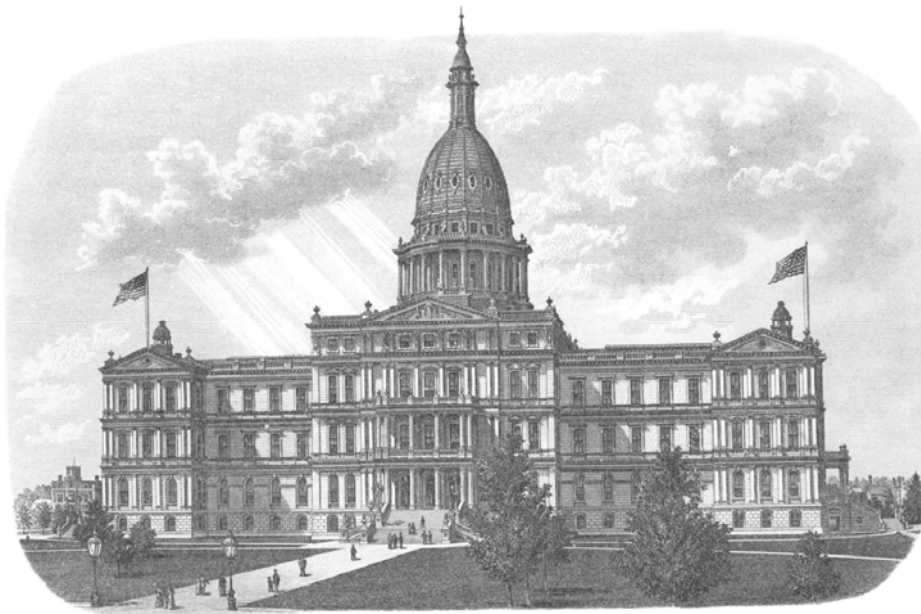


Michigan Register

Issue No. 6 – 2013 (Published April 15, 2013)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 6— 2013

(This issue, published April 15, 2013, contains
documents filed from March 15, 2013 to April 1, 2013)

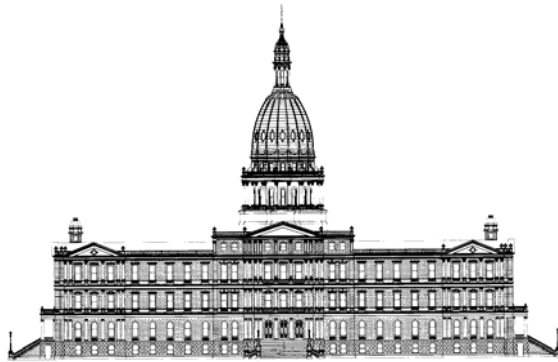
Compiled and Published by the
Office of Regulatory Reinvention

© 2013 by Office of Regulatory Reinvention, State of Michigan
All rights reserved.
Printed in the United States of America

Michigan Register (ISSN 0892-3124). Published twice per month, with a cumulative index, by the Office of Regulatory Reinvention, pursuant to §24.208 of the Michigan Compiled Laws. Subscription \$400.00 per year, postpaid to points in the U.S. First class postage paid at Lansing, Michigan. Direct all mail concerning subscriptions to Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

Steve Arwood, Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steve Arwood, Director
Office of Regulatory Reinvention

2013 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2013	February 1, 2013
2	February 1, 2013	February 15, 2013
3	February 15, 2013	March 1, 2013
4	March 1, 2013	March 15, 2013
5	March 15, 2013	April 1, 2013
6	April 1, 2013	April 15, 2013
7	April 15, 2013	May 1, 2013
8	May 1, 2013	May 15, 2013
9	May 15, 2013	June 1, 2013
10	June 1, 2013	June 15, 2013
11	June 15, 2013	July 1, 2013
12	July 1, 2013	July 15, 2013
13	July 15, 2013	August 1, 2013
14	August 1, 2013	August 15, 2013
15	August 15, 2013	September 1, 2013
16	September 1, 2013	September 15, 2013
17	September 15, 2013	October 1, 2013
18	October 1, 2013	October 15, 2013
19	October 15, 2013	November 1, 2013
20	November 1, 2013	November 15, 2013
21	November 15, 2013	December 1, 2013
22	December 1, 2013	December 15, 2013
23	December 15, 2013	January 1, 2014
24	January 1, 2014	January 15, 2014

CONTENTS

ADMINISTRATIVE RULES FILED WITH SECRETARY OF STATE

Department of Licensing and Regulatory Affairs

Director's Office (2010-023)

Building Official, Plan, Reviewers, and Inspectors.....2-13

Department of Environmental Quality

Air Quality Division (2011-029)

Part 4. Emissions Limitations and Prohibitions – Surfur Bearing Compounds.....14-18

Department of Environmental Quality

Air Quality Division (2012-017)

Part 9. Emissions Limitations and Prohibitions – Miscellaneous.....19-20

Department of Licensing and Regulatory Affairs

Public Service Commission (2012-022)

Unbundled Network Element and Local Interconnection Services.....21-22

Department of Treasury

Bureau of Tax Policy (2012-025)

Health Insurance Claims Assessment Act23-24

Department of Licensing and Regulatory Affairs

Director's Office (2012-038)

Construction Safety Standards – Part 1 General Rules.....25-30

Department of Licensing and Regulatory Affairs

Director's Office (2012-039)

Construction Safety Standards – Part 6 Personal Protective Equipment.....31-37

Department of Licensing and Regulatory Affairs

Director's Office (2012-040)

Construction Safety Standards – Part 7 Welding and Cutting.....38-43

Department of Licensing and Regulatory Affairs

Director's Office (2012-042)

Construction Safety Standards – Part 9 Excavation, Trenching, and Shoring44-46

Department of Licensing and Regulatory Affairs

Director's Office (2012-043)

Occupational Health – Part 301 Air Contaminants for General Industry.....47-88

Department of Licensing and Regulatory Affairs

Director's Office (2012-044)

Occupational Health – Part 601 Air Contaminants for Construction89-105

Department of Licensing and Regulatory Affairs

Director's Office (2012-059)

Construction Safety Standards – Part 20 Demolition106-109

Department of Education

Superintendent of Public Instruction (2012-059)

Education of Pregnant Students110-111

Department of Licensing and Regulatory Affairs

Director's Office (2012-084)

General Industry – Part 14 Conveyors.....112-112

Department of Licensing and Regulatory Affairs

Director's Office (2012-085)

General Industry – Part 17 Refuse Packer Units113-114

Department of Licensing and Regulatory Affairs

Director's Office (2012-086)

General Industry – Part 42 Forging115-116

Department of Licensing and Regulatory Affairs

Director's Office (2012-087)

General Industry – Part 65 Mills and Calendars for Rubber and Plastic.....117-117

Department of Licensing and Regulatory Affairs

Director's Office (2012-088)

General Industry – Part 71 Laundry and Dry Cleaning Machinery and Operations118-118

Department of Licensing and Regulatory Affairs

Director's Office (2012-121)

Audiology – General Rules.....119-119

Department of Licensing and Regulatory Affairs

Michigan Administrative Hearing System (2012-130)

Tax Tribunal Rules of Practice and Procedure120-141

Department of Environmental Quality

Air Quality Division (2012-136)

Part 3. Emissions Limitations and Prohibitions – Particulate Matter142-143

Department of Human Services**Child and Family Services Administration (2013-008)**

Interstate Placement.....144-144

Department of Licensing and Regulatory Affairs**Director's Office (2013-015)**

Medicine – General Rules.....145-145

Department of Licensing and Regulatory Affairs**Director's Office (2013-016)**

Osteopathic Medicine and Surgery – General Rules.....146-146

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

Department of Licensing and Regulatory Affairs**Board of Occupational Therapists (2009-062)**

Occupational Therapist – General Rules148-163

Hearing Notice.....164-164

MICHIGAN ADMINISTRATIVE CODE TABLE

Table (2013 Session)166-170

CUMULATIVE INDEX

Cumulative Index (2013)171-174

BILLS SIGNED INTO LAW OR VETOED

Appendix Table 1 (2013 Session) (Legislative Service Bureau Pages (1-2)175-175

ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BUILDING OFFICIALS, PLAN REVIEWERS, AND INSPECTORS

Filed with the Office of the Great Seal on March 25, 2013

These rules take effect 30 days after filing with the Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by section 5 of 1986 PA 54, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030)

R 408.30001, R 408.30007, R 408.30013, R 408.30016, R 408.30019, R 408.30022, R 408.30025, R 408.30028, R 408.30031, R 408.30034, R 408.30037, R 408.30040, R 408.30043, R 408.30046, R 408.30049, R 408.30052, and R 408.30055 of the Michigan Administrative Code are amended, and R 408.30002 is added to the Code as follows:

R 408.30001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 1986 PA 54, MCL 338.2301 to 338.2313 and known as building officials and inspectors registration act.

(b) "Bureau" means the Michigan department of licensing and regulatory affairs, bureau of construction codes.

(c) "Skilled worker" means any individual that possesses the necessary skills, qualifications, or prescribed level of licensure to engage in the practical installation, maintenance, and repair of specific construction systems and related components.

(2) A term defined in the act has the same meaning when used in these rules.

R 408.30002 Conflict of interest.

Rule 2. Building officials, plan reviewers, and inspectors shall not serve as a member on a construction board of appeals or contract for work in a governmental subdivision where they provide code enforcement services.

R 408.30007 Enforcement responsibility.

Rule 7. (1) The state construction code commission established in section 3a of Stille-Derossett-Hale single state construction code act, MCL 125.1503a, shall administer and enforce these rules. The commission has the responsibility for evaluating and approving educational and training programs, tests, and instructors.

(2) The commission shall consider recommendations for acceptance of educational and training programs, tests, and instructors submitted by any of the following entities:

(a) The barrier free design board.

(b) The electrical administrative board.

- (c) The board of mechanical rules.
- (d) The state plumbing board.

R 408.30013 Educational and training programs; application and approval process; standards.

Rule 13. (1) A provider of educational and training programs shall apply for approval by submitting information on an application provided by the bureau. This information shall be evaluated by the commission pursuant to the requirements of R 408.30019.

(2) Before a full evaluation of an application, the bureau shall determine that the application submitted is complete. If it is incomplete, the applicant shall be notified, in writing, of the deficiency within 15 days of the date the application is received by the bureau. The incomplete application shall be returned to the applicant without prejudice. A subsequent submission shall be treated as a new application.

(3) An application for approval of programs shall be evaluated for compliance with the act and these rules.

(4) An application for the approval of educational and training programs shall be accompanied by all required fees.

(5) An application shall contain all of the following information:

- (a) The name and address of the applicant.
- (b) The names and qualifications of professional personnel identified as the educational staff of the applicant's organization.
- (c) A statement of purpose and the objective of the program.
- (d) Administrative and technical criteria for the development of the program.
- (e) The location of the facility where the program will be conducted.
- (f) A description of the equipment used in the program.
- (g) The names and bureau approval numbers of instructors.
- (h) A copy of the teaching outline for the program.
- (i) A determination of the number of contact hours required to conduct the program.
- (j) A description of the criteria used to identify program participants who successfully complete the program.

(6) Educational and training programs shall be in compliance with all of the following standards:

- (a) Have submitted a clearly defined statement of purpose and objective.
- (b) Have had instructors approved in advance, pursuant to the provisions of R 408.30016.
- (c) Have facilities and equipment suitable and consistent with the purpose, design, and intended outcome of each learning experience.
- (d) Have submitted a list of instructional materials and other resources essential for the successful presentation of the program.
- (e) Have established an evaluation process to assess the qualifications of students as successfully completing the program, which shall be, at a minimum, based on pass or fail criteria. The results of the evaluation shall be reported to the bureau at the completion of the training program.
- (f) Shall establish permanent records of student activities, including course titles, student attendance, and course evaluation criteria.

(7) If an application is disapproved, the bureau shall notify the applicant and provide a written explanation of the reason for disapproval. The disapproved application shall be returned to the applicant.

(8) Approval of a program shall be evidenced by a program approval report prepared by the bureau and issued to the applicant. The report shall include all of the following information:

- (a) Name and address of the applicant.
- (b) Program identification number.
- (c) The date of approval.

- (d) Conditions of approval.
- (e) Period of approval.
- (f) The number of credit hours approved for successful program completion.
- (9) A program or an amendment thereto which has been approved shall not be altered without prior authorization by the bureau. All changes shall be made a part of the written record of approval. The authorization shall be in writing or be confirmed in writing within 10 days of oral authorization.
- (10) The commission may withdraw the approval of a program when the approval was issued in error or was issued on the basis of incorrect information or when the program is found to be in violation of the rules. Notice of withdrawal of approval shall be in writing and shall set forth the reason for withdrawal of approval. An appeal from withdrawal of approval shall be processed pursuant to the provisions of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

R 408.30016 Instructors; application and approval process; standards.

Rule 16. (1) An instructor of educational and training programs shall apply for approval by submitting information on an application provided by the bureau. This information shall be evaluated by the commission pursuant to the requirements of this rule.

(2) Before a full evaluation of an application, the bureau shall determine that the application submitted is complete. If it is incomplete, the applicant shall be notified, in writing, of the deficiency within 15 days of the date the application is received by the bureau. The incomplete application shall be returned to the applicant without prejudice. A subsequent submission shall be treated as a new application.

(3) An application for approval of instructors shall be evaluated for compliance with the act and these rules.

(4) An application for the approval of instructors shall be accompanied by all required fees.

(5) An application shall contain all of the following information:

- (a) The name and address of the applicant.
- (b) The history or work experience relative to the subjects to be taught.
- (c) A list of educational or training courses or programs completed by the applicant.
- (d) Certifications, licenses, or registrations held by the applicant that relate to the subject to be taught.
- (e) The social security number of the applicant pursuant to the regulated occupational support enforcement act, 1996 PA 236, MCL 338.3431 to 338.3436.
- (f) An applicant's previous teaching, training, and experience.

(6) When an application for approval of an educational or training program proposes using instructors who are currently approved under these rules, those instructors may be identified by name and approval number instead of submitting duplicate applications for approval as instructors.

(7) An instructor of educational and training programs shall meet the following requirements, as appropriate:

- (a) Have 4 years of experience in the subject to be taught.
- (b) For technical and specialty categories in plumbing, electrical, or mechanical trades, licensure at the journey level or a higher level or equivalent work history in addition to the experience required in subdivision (a) of this subrule.

(8) If the application is disapproved, the commission shall notify the applicant and provide a written explanation of the reason for disapproval. The disapproved application shall be returned to the applicant.

(9) Approval of an instructor shall be evidenced by an instructor approval report that is prepared by the bureau and issued to the applicant. The report shall include all of the following information:

- (a) Name and address of the instructor.
- (b) Instructor identification number.

- (c) Period of approval.
- (d) Conditions of approval.

(10) The commission may withdraw the approval of an instructor when the approval was issued in error or was issued on the basis of incorrect information; or, when the instructor is found to be in violation of the rules or failed to pay a required fee. Notice of withdrawal of approval shall be in writing and shall set forth the reasons for withdrawal of approval. An appeal from withdrawal of approval shall be processed pursuant to the provisions of the administrative procedures act of 1069, 1969 PA 306, MCL 24.201 to 24.328.

R 408.30019 Tests; application and approval process; standards.

Rule 19. (1) A provider of a test shall apply for approval by submitting information on an application provided by the bureau. This information shall be evaluated by the commission pursuant to the requirements of this rule.

(2) Before a full evaluation of the application, the bureau shall determine that the application submitted is complete. If it is incomplete, the applicant shall be notified, in writing, of the deficiency within 15 days of the date the application is received by the bureau. The incomplete application shall be returned to the applicant without prejudice. A subsequent submission shall be treated as a new application.

(3) An application for approval of tests shall be evaluated for compliance with the act and these rules.

(4) An application for the approval of a test shall be accompanied by all required fees.

(5) An application shall contain all of the following information:

- (a) The name and address of the applicant.
- (b) A statement of the purpose and objective of the test.
- (c) The names and qualifications of the developers of the test.
- (d) The method of securing the test.
- (e) The procedure for administering the test.
- (f) The method of determining successful completion of the test.
- (g) The location of the facility where the test will be conducted.
- (h) A description of the equipment and materials required to administer the test.
- (i) The names of the test administrators or monitors.

(6) A test shall be in compliance with all of the following standards:

(a) Admission to a test shall be made in a controlled manner to verify the eligibility and identity of candidates.

(b) Records of candidate participation shall be maintained and reported to the bureau at the completion of a test.

(c) Facilities and equipment shall be suitable and consistent with the purpose, design, and intended outcome of a test.

(7) There shall be a sufficient number of qualified personnel present to monitor, proctor, evaluate, or administer a test.

(8) If a test application is disapproved, the bureau shall notify the applicant and provide a written explanation of the reason for disapproval. The disapproved application shall be returned to the applicant.

(9) Approval of a test shall be evidenced by a test approval report that is prepared by the bureau and issued to the applicant. The report shall include all of the following information:

- (a) Name and address of the applicant.
- (b) Test identification number.
- (c) Period of approval.

(d) Conditions of approval.

(10) A test or an amendment thereto which has been approved shall not be altered without prior authorization by the bureau. All changes shall be made a part of the written record of approval. The authorization shall be in writing or be confirmed in writing within 10 days of oral authorization.

(11) The commission may withdraw the approval of a test when the approval was issued in error or was issued on the basis of incorrect information or when the test is found to be in violation of the rules. Notice of withdrawal of approval shall be in writing and shall set forth the reason for withdrawal of approval. An appeal from withdrawal of approval shall be processed pursuant to the provisions of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

R 408.30022 Fees.

Rule 22. Fees shall be charged in accordance with the published rates of the commission. A failure to pay a required fee shall be grounds for disapproval or withdrawal of a previous approval.

R 408.30025 Notification of changes.

Rule 25. (1) A provider of approved educational and training programs or tests shall notify the bureau, in writing, within 10 days of any of the following occurrences:

- (a) A change in the name of the applicant.
- (b) A change in the address of the applicant.
- (c) A change in the principal officers of an applicant organization.

(2) Changes with respect to classes shall ordinarily be made only when approved by the bureau in advance. If the illness of an instructor, natural disaster, or other emergency causes a change in the program as approved, the bureau shall be notified verbally at the earliest opportunity. A written notice that confirms the verbal report shall be made to the bureau within 10 days of the verbal report.

R 408.30028 Institutions of higher education and certain other institutions and organizations; application for approval of programs and classes.

Rule 28. (1) An institution of higher education and an educational institution that is authorized by the provisions of the revised school code, 1976 PA 451, MCL 380.1 to 380.1853, may apply for approval of educational or training programs or classes under the criteria established in R 408.30013, R 408.30016, and R 408.30019.

(2) An organization that is accredited by, and holds institutional membership in, the council on continuing education units may apply for approval of educational or training programs or classes under the criteria established in R 408.30013, R 408.30016, and R 408.30019.

(3) A student who has attended a course which was not approved in advance and which is given by institutions or organizations specified in subrules (1) and (2) of this rule may submit proof of successful completion for evaluation as meeting a portion of the re-registration requirements. A request for evaluation shall be accompanied by the course syllabus or other material which clearly defines the course structure and content. A request for evaluation of unapproved programs that is not supported by adequate documentation shall be returned to an applicant without action.

(4) An applicant for re-registration who completes a course or program which is not specified in subrules (1) and (2) of this rule and which was not approved in advance may submit proof of successful completion for evaluation pursuant to the provisions of R 408.30013, R 408.30016, and R 408.30019. A request for evaluation shall be accompanied by a course syllabus or other material which clearly defines the course structure, content, evaluation criteria, and proof of successful course completion. A request for evaluation of unapproved programs that is not supported by adequate documentation shall be returned to an applicant without action.

R 408.30031 Standards for provisional registration.

Rule 31. (1) An applicant for provisional registration as any of the following shall meet the requirements of R 408.30034 to R 408.30049:

- (a) A building official.
- (b) A plan reviewer.
- (c) A building inspector.
- (d) An electrical inspector.
- (e) A mechanical inspector.
- (f) A plumbing inspector.

(2) A person who becomes employed by an enforcing agency as a building official, plan reviewer, or inspector shall, within 30 days of employment, make application to the commission for provisional registration pursuant to the provisions of section 12(2) of the act.

(3) An application for provisional registration shall be made on a form prepared and furnished by the department. The department shall charge a fee pursuant to the published rates of the commission.

(4) A person whose registration is provisional shall become registered upon the completion of the first full 3-year registration cycle.

(5) An applicant for provisional registration shall provide, along with an application and fee, written verification of completing not less than the required number of hours of education in approved educational or training programs as provided by R 408.30055(4), and as prescribed in Table 31 of this rule in all of the following categories:

(a) Administration, which shall include programs and courses designed to enhance an applicant's understanding of laws and rules, as well as the administration and enforcement of related statutes and regulations.

(b) Technical, which shall include programs and courses designed to discuss the code and various technical code provisions.

(c) Communication, which shall include courses intended to enhance an applicant's communication skills with the public and may include technical writing, public speaking, training on interpersonal skills when working with people, and other areas of communications.

(d) Specialty, which shall include courses designed to increase an applicant's knowledge of inspections and construction techniques in the various registration classifications.

(e) Plan review, which shall include courses designed to enhance an applicant's understanding of the review of construction documents, plan review methodology and coordination.

(6) Table 31 reads as follows:

Table 31

Hours Required for Provisional Registration

2013 MR 6 – April 15, 2013

	Administration 4 hrs				Communication 1 hr			Technical 8 hrs							Plan Review 2 hrs			Specialty 3 hrs					
Inspector or Plan Reviewer	1972 PA 230	Licensing	1980 PA 299	School Site Plan	Inspection Report	Violation Notice	Complaint Investigation	Michigan Building Code	Michigan Residential Code	Michigan Rehab Code	Michigan Energy Code	Michigan Electrical Code	Michigan Mechanical Code/IFGC	Michigan Plumbing Code	Construction Documents	Methodology	Coordination	Inspection Procedures	Material & Equipment	Special Inspection	Manufacturer Installation Inst.	Product Acceptance	Alternate Approvals
Building	1	1	1	1	20 min	20 min	20 min	3	3	1	1	0	0	0	40 min	40 min	40 min	.5	.5	.5	.5	.5	.5
Electrical	1	2	.5	.5	20 min	20 min	20 min	.5	1.5	.5	.5	5	0	0	40 min	40 min	40 min	.5	.5	.5	.5	.5	.5
Mechanical	1.5	1.5	.5	.5	20 min	20 min	20 min	0	1.5	.5	.5	0	5.5	0	1.0	.5	.5	1.0	20 min	20 min	20 min	.5	.5
Plumbing	1.5	1.5	.5	.5	20 min	20 min	20 min	.5	1	.5	0	.5	.5	5.5	1.0	.5	.5	1.0	20 min	20 min	20 min	.5	.5

R 408.30034 Building official; experience.

Rule 34. An applicant for registration as a provisional building official shall have 2 years of experience as a registered code inspector or plan reviewer.

R 408.30037 Building inspector; experience.

Rule 37. (1) An applicant for registration as a provisional building inspector shall have not less than 4 years of experience in 1 or more of the following categories:

(a) As a licensed residential builder under the provisions of the occupational code, 1980 PA 299, MCL 339.101 to 339.2919, who has been actively engaged in the construction business for not less than 4 years.

(b) As a building contractor, a person who is in charge of general building construction, or as a skilled worker in structural carpentry, structural masonry, structural steel erection, or structural concrete construction who has been actively engaged in the general building construction field. This category does not include a person who is licensed as a contractor under the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892; the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569; or the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988.

(c) Possess a current license as an architect or engineer under the provisions of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(d) As a project manager, superintendent, supervisor, or foreman actively engaged in general building construction.

(e) As a licensed or registered building inspector from other states, Canada or other recognized countries with inspection experience in general building construction and who holds a master or certified building official certificate obtained from the international code council (ICC), defined as an inspector by the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313.

(2) A person who has obtained a degree or certificate in a recognized curriculum from an institution of higher education in a construction-related field shall receive not more than 2 years of experience for a 4-year degree and not more than 1 year experience for a 2-year degree as required in subrule (1)(a) of this rule for registration as a provisional building inspector.

(3) An applicant who meets the requirements of this rule shall be deemed qualified for registration as a building inspector, subject to the provisions of section 12(2) of the act.

(4) An applicant shall submit, with an application, documentation of his or her experience. The documentation may consist of any of the following:

(a) An affidavit.

(b) Notarized letters.

(c) Copies of licenses and registrations.

(d) A job description from a present or former employer.

(e) A permit history from authorized enforcing agencies.

(f) A copy of an official transcript from an institution of higher education.

(g) Other pertinent information.

R 408.30040 Electrical inspector; experience.

Rule 40. An applicant for registration as a provisional electrical inspector shall have 2 years of experience as a licensed journey worker or shall be licensed as a master electrician under the provisions of 1956 PA 217, MCL 338.881 to 338.892.

R 408.30043 Mechanical inspector; experience.

Rule 43. An applicant for registration as a provisional mechanical inspector shall have possessed a mechanical license for not less than 1 year in 3 or more categories 1, 2, 4, or 9 as defined in 1984 PA 192, MCL 338.971 to MCL 338.988 and known as the Forbes mechanical contractors act.

R 408.30046 Plumbing inspector; experience.

Rule 46. An applicant for registration as a provisional plumbing inspector shall have possessed a journey license for not less than 2 years or shall be licensed as a master plumber under the provisions of the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.

R 408.30049 Plan reviewer; experience.

Rule 49. (1) An applicant for registration as a provisional plan reviewer shall have not less than 4 years of experience in 1 or more of the following categories:

(a) As a licensed residential builder under the provisions of the occupational code, 1980 PA 299, MCL 339.101 to 339.2919, who has been actively engaged in the construction business for not less than 4 years.

(b) As a skilled worker in 1 or more of the following disciplines:

(i) Structural carpentry.

(ii) Structural masonry.

(iii) Structural steel erection.

(iv) Structural concrete construction.

(c) Possesses a current license as an architect or engineer under the provisions of the occupational code, 1980 PA 299, MCL 339.101 to 339.2919.

(d) As a project manager, superintendent, supervisor, or foreman of general building construction.

(e) As a licensed or registered building inspector or plan reviewer in the United States, Canada, or other recognized countries with 4 years of inspection or plan review experience in general building construction and holds a master or certified building official certificate obtained from the ICC.

(2) A person who has obtained a degree or certificate in a recognized curriculum from an institution of higher education in a construction-related field shall receive not more than 2 years of experience for a 4-year degree and not more than 1 year experience for a 2-year degree as required in subrule (1)(a) of this rule for registration as a provisional building inspector.

(3) An applicant who meets the requirements of this rule shall be deemed qualified for registration as a plan reviewer, subject to the provisions of section 12(2) of the act.

(4) An applicant shall submit, with an application, documentation of his or her experience. The documentation may consist of 1 of the following:

(a) An affidavit.

(b) Copies of licenses and registrations.

(c) A job description from a present or former employer.

(d) A permit history from authorized enforcing agencies.

(e) A copy of an official transcript from an institution of higher education.

(f) Other pertinent information.

(5) An applicant for registration as a provisional plan reviewer shall have 2 years of experience as a licensed electrical journey worker or shall be licensed as a master electrician under the provisions of 1956 PA 217, MCL 338.881 to 338.892 and known as the Electrical Administrative Act.

(6) An applicant for registration as a provisional plan reviewer shall have possessed a mechanical license for not less than 1 year in 3 or more categories 1, 2, 4, or 9 as defined in the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988.

(7) An applicant for registration as a provisional plan reviewer shall possess a plumbing journey license for not less than 2 years or shall be licensed as a master plumber under the provisions of the plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.

R 408.30052 Standards for re-registration of building officials, plan reviewers, and inspectors.

Rule 52. (1) An application for re-registration as a building official, plan reviewer, or inspector shall be submitted on a form prescribed by the commission and shall be accompanied by all required fees.

(2) An application shall be submitted by September 16 of the cycle year. There shall be no extensions or grace periods. Functions under 1972 PA 230, MCL 125.1501 to 125.1531 shall not be performed on an expired registration.

(3) An applicant shall show evidence of completing the minimum number of hours in approved educational or training programs prescribed in R 408.30055. An applicant for re-registration shall achieve the required number of hours of continuing education by participation in 1 or more of the types of approved educational or training programs listed in R 408.30055 (4).

(4) An applicant in a discipline that requires licensure shall maintain a current license and shall provide a copy of the current license upon re-registration.

(5) When an applicant has been on extended leave due to illness or military service, the number of hours of continuing education required for re-registration shall be reduced pursuant to table 55B, prorated upon consideration of the months absent.

(6) An incomplete application shall be returned to the applicant. The returned application shall be completed and resubmitted to the bureau within 15 days of the date of being returned to the applicant.

(7) Failure to comply with subrule (6) of this rule shall be grounds for denial of the application and forfeiture of the fees already paid.

R 408.30055 Registration; required hours of training; training categories; effective date.

Rule 55. (1) An applicant for re-registration shall complete not less than the required number of hours of continuing education in approved educational or training programs, as prescribed in table 55A and table 55B of this rule, in all of the following categories:

(a) Administration, which shall include programs and courses designed to enhance an applicant's understanding of laws, rules, and the administration and enforcement of related statutes and regulations.

(b) Technical, which shall include programs and courses designed to discuss the code and various technical code provisions.

(c) Communications, which shall include courses intended to enhance an applicant's communication skills with the public and may include technical writing, public speaking, working with people, and communications.

(d) Specialty, which shall include courses designed to increase an applicant's knowledge of inspection and construction techniques in the various registration classifications.

(2) Continuing education shall be valid for re-registration only when accrued during the applicant's current 3-year registration period, except as provided for in subrule (3) of this rule.

(3) When an applicant's original registration is for a period of less than a full 3-year cycle, the number of hours of continuing education required for re-registration at the end of that period shall be reduced in accordance with table 55A. Continuing education shall be valid only when accrued during the period in which the applicant was registered.

(4) The bureau may approve any of the following types of educational or training programs:

(a) Association programs that are sponsored by any of the following entities:

(i) Inspector organizations.

(ii) Township, municipal, and county organizations.

- (iii) Professional and trade organizations.
- (b) Home study courses, such as videotapes, audiocassettes, and correspondence courses.
- (c) Private contractor technical update courses.
- (d) University, college, and community college courses.
- (e) Department sponsored training programs.
- (f) Training sponsored by nationally recognized model code promulgating organizations, such as the international code council. The commission may approve other educational or training programs offered by a provider which address the educational categories listed in subrule (1) of this rule and which meet the standards and criteria for an approvable educational or training program listed in these rules.

(5) Table 55A reads as follows:

Table 55A
HOURS REQUIRED FOR RE-REGISTRATION

Training Category	Building Official	Registration Classifications				
		Inspector Bldg.	Elect.	Mech.	Plumb.	Plan Reviewer
Administration ^(a)	16	4	4	4	4	4
Technical	24 ^(d)	24 ^(b)	24 ^(b)	24 ^(b)	24 ^(b)	24 ^(d)
Communication ^(a)	2	1	1	1	1	1
Specialty	8 ^(d)	18 ^(b)	18 ^(b)	18 ^(b)	18 ^(b)	18 ^(c)
Total	50	47	47	47	47	47

^(a)When applying for re-registration in more than 1 classification, the number of hours in these training categories may be applied to more than 1 registration classification. For example, an applicant for re-registration as an electrical inspector and a plan reviewer would need only 1 hour in the communication category; an applicant for re-registration as a building official and a mechanical inspector would need only 16 hours in the administration category.

^(b)The number of hours listed for technical and specialty topics shall be accomplished for each inspector registration classification. For example, an applicant for re-registration as a building official and a plumbing inspector would need 24 hours in the technical categories (in plumbing); an applicant for re-registration as a mechanical inspector and a plumbing inspector would need 36 hours in the specialty categories 18 related to mechanical codes and 18 more related to plumbing codes.

^(c)Re-registration as a plan reviewer shall require 12 hours in plan review technique and 6 hours in 1 or more of the other registration classifications listed under this category.

^(d)For re-registration as a building official or plan reviewer, training in these categories may be achieved in any single inspector registration classification or any combination of inspector registration classifications.

TABLE 55B

Prorated hours, by category, based upon the date the application is received by the bureau of construction codes:

Cycle Month	Through 16 th of:	Maximum Hours in Category:						
		24	18	16	8	4	2	1
1	October	24	18	16	8	4	2	1

2	November	23	18	16	8	4	2	1
3	December	23	17	15	8	4	2	1
4	January	22	17	15	8	4	2	1
5	February	21	16	14	7	4	2	1
6	March	20	16	14	7	4	2	1
7	April	20	15	13	7	4	2	1
8	May	19	14	13	7	4	2	1
9	June	18	14	12	6	3	2	1
10	July	17	13	12	6	3	2	1
11	August	17	13	11	6	3	2	1
12	September	16	12	11	6	3	2	1
13	October	15	12	10	5	3	2	1
14	November	14	11	10	5	3	2	1
15	December	14	10	9	5	3	2	1
16	January	13	10	9	5	3	2	1
17	February	12	9	8	4	2	1	1
18	March	11	9	8	4	2	1	1
19	April	11	8	7	4	2	1	1
20	May	10	8	7	4	2	1	1
21	June	9	7	6	3	2	1	1
22	July	8	6	6	3	2	1	1
23	August	8	6	5	3	2	1	1
24	September	7	5	5	3	2	1	1
25	October	6	5	4	2	1	1	1
26	November	5	4	4	2	1	1	1
27	December	5	4	3	2	1	1	1
28	January	4	3	3	2	1	1	1
29	February	3	2	2	1	1	1	1
30	March	2	2	2	1	1	1	1
31	April	2	1	1	1	1	1	1
32	May	1	1	1	1	1	1	1
33	June	0	0	0	0	0	0	0
34	July	0	0	0	0	0	0	0
35	August	0	0	0	0	0	0	0
36	September	0	0	0	0	0	0	0

(7) This rule takes effect September 18, 1991.

ADMINISTRATIVE RULES

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 4. EMISSION LIMITATIONS AND PROHIBITIONS—SULFUR BEARING COMPOUNDS

Filed with the Secretary of State on March 11, 2013

These rules becomes effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Numbers 1995-16, MCL 324.99903, 2009-31, MCL 324.99919 and 2011-1, MCL 324. 99921)

R 336.1401, R 336.1401a, R 336.1402, R 336.1404, R 336.1407 and R 336.1420 of the Michigan Administrative Code are amended, to read as follows:

R 336.1401 Emission of sulfur dioxide from power plants.

Rule 401. (1) In a power plant, it is unlawful for a person to burn fuel that does not comply with the sulfur content limitation of table 41 or which, when burned, results in sulfur dioxide (SO₂) emissions exceeding an equivalent emission rate as shown in table 41. In a power plant located in Wayne county, it is unlawful for a person to burn fuel that does not comply with the sulfur content limitation of table 42 and unlawful to cause or permit a discharge into the atmosphere from fuel-burning equipment SO₂ in excess of the SO₂ concentration limit shown in table 42.

(2) Tables 41 and 42 read as follows:

TABLE 41

Fuel and SO₂ Emission Limitations for Power Plants

Plant Capacity ^(a)	Maximum Average Sulfur Content in Fuel ^(b, e) (Percent by Weight)	Equivalent Emission Rates			
		Parts per Million by Volume (ppmv) Corrected to 50% Excess Air ^(e)		Pounds of SO ₂ per Million Btu of Heat Input ^(e)	
		Solid Fuel ^(c) (12,000 Btu/lb)	Liquid Fuel ^(d) (18,000 Btu/lb)	Solid Fuel ^(c) (12,000 Btu/lb)	Liquid Fuel ^(d) (18,000 Btu/lb)
0-500,000 lbs Steam per Hour Plant Capacity	1.5	890	630	2.5	1.67
Greater than 500,000 lbs Steam per Hour Plant Capacity	1.0	590	420	1.67	1.11

(a) The total steam production capacity of all coal- and oil-burning equipment in a power plant as of August 17, 1971.
(b) "Maximum average sulfur content in fuel" means the average sulfur content in all fuels burned at any 1 time in a power plant. The sulfur content shall be calculated on the basis of 12,000 Btu per pound for solid fuels and 18,000 Btu per pound for liquid fuels.
(c) Solid fuels include both pulverized coal and all other coal.
(d) Liquid fuels include distillate oil (No. 1 and No. 2), heavy oil (No. 4, No. 5, and No. 6), and crude oil.
(e) A person shall sample, analyze, calculate, and record for each day of operation for each unit at the power plant, the sulfur content of the fuel combusted or the fuel's equivalent SO ₂ emission rate in accordance with as-fired fuel sampling and analysis procedures found in appendix A of 40 CFR part 60; in particular the "Standard Test Methods for Sulfur in Petroleum Products:" ASTM D129-01, D1266-98, or D1552-01 and the "Standard Test Methods for Total Sulfur in the Analysis of Coal and Coke:" ASTM D3177-89 or D4239-02; as referenced in 40 C.F.R. part 60.17, adopted by reference in R 336.1802a. Records shall be kept, including the identification of the power plant, days of operation, and maximum sulfur content of fuel combusted for each day of operation. Records shall be maintained on site for 5 years and submitted to the department upon written request.

TABLE 42

Fuel and SO₂ Concentration Limitations for Power Plants Located in Wayne County

Fuel Type	Maximum Weight Percent Sulfur Content in Fuel ^(a & b) Limitations for Fuel-Burning Equipment	SO ₂ ppmv Emission Rates Corrected to 50% Excess Air ^(b)
Pulverized Coal	1.00	550
Other Coal	0.75	420
Distillate Oil Nos. 1 & 2	0.30	120
Used Oil	1.00	300
Crude and Heavy Oil Nos. 4, 5, & 6	1.00	400
(a) "Maximum weight percent sulfur content in fuel" means the maximum weight percent sulfur content in all fuels burned at any 1 time in a power plant.		
(b) A person shall sample, analyze, calculate, and record for each day of operation for each unit at the power plant, the sulfur content of the fuel combusted and the fuel's equivalent SO ₂ emission rate in accordance with as-fired fuel sampling and analysis procedures found in appendix A of 40 CFR part 60; in particular the "Standard Test Methods for Sulfur in Petroleum Products:" ASTM D129-01, D1266-98, or D1552-01 and the "Standard Test Methods for Total Sulfur in the Analysis of Coal and Coke:" ASTM D3177-89 or D4239-02; as referenced in 40 C.F.R. part 60.17, adopted by reference in R 336.1802a. Records shall be kept, including the identification of the power plant, days of operation, and maximum sulfur content of fuel combusted for each day of operation. Records shall be maintained on site for 5 years and submitted to the department upon written request.		

(3) The following provisions apply to persons in Wayne county:

(a) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 42 of this rule shall not apply to any person who uses a combination of fuels in such

ratios as to meet the SO₂ concentration limitations specified in table 42 and has obtained written approval from the department for this exemption. The allowable concentration limit will be based on the value in the table for the fuel having the higher allowable concentration limit.

(b) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 42 of this rule shall not apply to any person who has received an installation permit from the department on a control device to desulfurize the stack gases and the control device is installed and operating properly.

(4) Instead of conducting daily as-fired fuel sampling and analysis pursuant to subrule (2) of this rule, a person at any power plant equipped with a SO₂ continuous emissions monitoring system (CEMS) may compute and record the daily equivalent emission rates as determined by the SO₂ CEMS. The SO₂ CEMS shall be calibrated, maintained, and operated in accordance with the procedures in 40 CFR 60.13(d), (e), (f), and (h) and in performance specification 2, appendix B of 40 CFR part 60 or 40 CFR part 75 excluding the data substitution outlined in subpart D, adopted by reference in R 336.1802a. Records shall be maintained on site for 5 years and submitted to the department upon written request.

R 336.1401a Definitions.

Rule 401a. As used in this part:

(a) "Power plant" means a single structure devoted to steam or electric generation, or both, and may contain multiple boilers.

(b) "Sulfur recovery plant" means any plant that recovers elemental sulfur from any gas stream.

(c) "Used oil" means any fuel that is produced from used oil, as defined in R 299.9109(p).

R 336.1402 Emission of SO₂ from fuel-burning equipment at a stationary source other than power plants.

Rule 402. (1) For fuel burning equipment at a stationary source other than a power plant it is unlawful for a person to cause or allow the emission of SO₂ from the combustion of any coal or oil fuel in excess of 1.7 pounds per million Btu of heat input for oil fuel or in excess of 2.4 pounds per million Btu of heat input for coal fuel.

(2) The provisions of subrule (1) of this rule do not apply to fuel-burning equipment at a stationary source that is unable to comply with the specified emission limits because of SO₂ emissions caused by the presence of sulfur in other raw materials charged to the fuel-burning equipment. This exception shall apply if at any time the actual SO₂ emission rate exceeds the expected theoretical SO₂ emission rate from fuel burning. The expected theoretical SO₂ emission rate shall be based on the quantity of fuel burned and the average sulfur content of the fuel.

(3) For fuel burning equipment at a stationary source located in Wayne county other than a power plant, it is unlawful for a person to burn fuel that does not comply with the sulfur content limitation of table 43 and unlawful to cause or allow a discharge into the atmosphere from fuel burning equipment SO₂ in excess of the SO₂ concentration limit shown in table 43.

(4) Table 43 reads as follows:

Table 43

Fuel and SO₂ Concentration Limitations for Fuel Burning Equipment^(c) at a Stationary Source Located in Wayne County Other than a Power Plant

Fuel Type	Maximum Weight Percent Sulfur Content in Fuel ^(a, b) Limitations for Fuel-Burning Equipment	SO ₂ ppmv Emission Rates Corrected to 50% Excess Air ^b
-----------	--	--

Coal	0.75	420
Distillate Oil Nos. 1 & 2	0.30	120
Used Oil	1.0	300
Crude and Heavy Oil Nos. 4, 5, & 6	1.00	400
(a) The determination of sulfur content (percent by weight) of fuel shall be carried out in accordance with -the “Standard Test Methods for Sulfur in Petroleum Products:” ASTM D129-01, D1266-98, or D1552-01 and the “Standard Test Methods for Total Sulfur in the Analysis of Coal and Coke:” ASTM D3177-89 or D4239-02; as referenced in 40 C.F.R. part 60.17 adopted by reference in R 336.1802a.		
(b) Records shall be kept, including the identification of the fuel burning equipment, days of operation, and maximum sulfur content of fuel combusted for each day of operation. Records shall be maintained on site for 5 years and submitted to the department upon written request.		
(c) For table 43, fuel burning equipment includes residential and commercial space and water heating. The maximum weight percent sulfur content in fuel and SO ₂ ppmv emission rate limitations for distillate, crude, and heavy oils listed above also apply to these units.		

(5) The following provisions apply to persons in Wayne county:

(a) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 43 of this rule shall not apply to a person who uses a combination of fuels in such ratios as to meet the SO₂ concentration limitations specified in table 43 and has obtained written approval from the department for this exemption. The allowable concentration limit will be based on the value in the table for the fuel having the higher allowable concentration limit.

(b) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 43 of this rule shall not apply to a person who has received an installation permit from the department for a control device to desulfurize the stack gases and the control device is installed and operating properly.

R 336.1404 Emission of SO₂ and sulfuric acid mist from sulfuric acid plants.

Rule 404. (1) It is unlawful for a person to cause or allow the emission of sulfuric acid mist from any sulfuric acid plant in excess of 0.50 pounds per ton of acid produced, the production being expressed as 100% sulfuric acid.

(2) It is unlawful for a person in Wayne county to cause or allow SO₂ emissions into the atmosphere from any sulfuric acid plant to exceed 6.5 pounds per ton of acid produced.

(3) Compliance with this rule shall be demonstrated using 40 C.F.R part 60, appendix A, reference test method no. 8, adopted by reference in R 336.2004(1)(l).

R 336.1407. Sulfur compound emissions from sources located within Wayne county and not previously specified.

Rule 407. Both of the following apply to process and fuel burning equipment at a stationary source located within Wayne county to which the provisions of R 336.1401 to R 336.1406 do not apply.

(a) A person shall not cause or allow the emission into the atmosphere gases with a concentration of SO₂ greater than 300 parts per million by volume, which shall be corrected to 50% excess air.

(b) A person shall not cause or allow the emission into the atmosphere gases with a concentration of sulfuric acid or sulfur trioxide or a combination thereof greater than 15 milligrams per cubic meter, which shall be corrected to 50% excess air.

R 336.1420. Applicability determinations, definitions, and permitting requirements under CAIR SO₂ trading program.

Rule 420. (1) As used in this rule, “CAIR” means clean air interstate rule.

(2) The provisions of 40 C.F.R. §97.202, §97.220 to §97.224 and the opt-in provisions of 40 C.F.R. §97.280 to §97.288 (2011) are adopted by reference in this rule and are applicable to these rules. Copies of 40 C.F.R. §97.202, §97.220 to §97.224, and §97.280 to §97.288 are available for inspection and purchase at the Department of Environmental Quality, Air Quality Division, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of this rule of \$76.00. Copies may be also obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401, by calling 1-866-512-1800 or by accessing their online bookstore at <http://bookstore.gpo.gov> at a cost as of the time of adoption of this rule of \$66.00. The standards can be viewed and/or printed free of charge at <http://ecfr.gpoaccess.gov>.

(3) Each CAIR SO₂ source, as defined in 40 C.F.R. §97.202 is required to apply for a CAIR permit in accordance with 40 C.F.R. §97.220 to §97.224. This permit shall be administered in accordance with the procedural requirements of R 336.1214 and shall be incorporated into the facility's renewable operating permit as an attachment.

ADMINISTRATIVE RULES

DEPARTMENT OF-ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

Filed with the Secretary of State on March 11, 2013

These rules become effective immediately upon filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and MCL 324.5512, and Executive Reorganization Order Numbers 1995-16, MCL 324.99903, 2009-31, MCL 324.99919, and 2011-1, MCL 324.99921)

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS—MISCELLANEOUS

R 336.1902 of the Michigan Administrative Code is amended, R 336.1933 is rescinded, and R 336.1948, R 336.1949, and R 336.1950 are added to the Code, to read as follows:

R 336.1902 Adoption of standards by reference.

Rule 902. The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401, by calling 1-866-512-1800, or by accessing their online bookstore at <http://bookstore.gpo.gov> at a cost as of the time of adoption of these rules (GPO price). The standards can be viewed and/or printed free of charge at <http://ecfr.gpoaccess.gov>.

(a) Title 40 C.F.R., part 51, appendix Y, “Guidelines for BART Determinations Under the Regional Haze Rule,” and 40 C.F.R. §51.301, “Definitions,” (2011); AQD price \$61.00/\$51.00 GPO price for parts 50-51.

(b) Title 40 C.F.R., part 61, subpart M, “National Emission Standards for Asbestos” (2011); AQD price \$61.00/\$51.00 GPO price for parts 61-62.

(c) Title 40 C.F.R., part 63, subpart A, “General Provisions” (2011); AQD price \$74.00/\$64.00 GPO price for part 63 (63.1-63.599).

(d) Title 40 C.F.R., part 63, subpart N, “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks” (2011); AQD price \$74.00/\$64.00 GPO price for part 63 (63.1-63.599).

(e) Title 40 C.F.R., part 63, subpart O, “Ethylene Oxide Emissions Standards for Sterilization Facilities” (2011); AQD price \$74.00/\$64.00 GPO price for part 63 (63.1-63.599).

(f) Title 40 C.F.R., part 63, subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry” (2011); AQD price \$66.00/\$56.00 GPO price for part 63 (63.1200-63.1439).

(g) Title 40 C.F.R., part 63 subpart RRR, “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production” (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.1440-63.6175).

(h) Title 40 C.F.R., part 63, subpart VVV, “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works” (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.1440-63.6175).

(i) Title 40 C.F.R., part 63, subpart GGGGG, “National Emission Standards for Hazardous Air Pollutants: Site Remediation” (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.6580-63.8830).

(j) Title 40 C.F.R., part 63, subpart YYYYY, “National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities” (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.8980-end).

(k) Title 40 C.F.R., part 63, subpart ZZZZZ, “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources” (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.8980-end).

(l) Title 40 C.F.R., part 63, subpart ZZZZZZ, “National Emissions Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries” (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.8980-end).

R 336.1933 Rescinded.

R 336.1948 Emission standards for electric arc furnace steelmaking facilities; adoption by reference.

Rule 948. The provisions of 40 C. F. R., part 63, subpart YYYYY, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart YYYYY, entitled “National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities,” shall comply with those provisions.

R 336.1949 Emissions standards for iron and steel foundry area sources; adoption by reference.

Rule 949. The provisions of 40 C.F.R., part 63, subpart ZZZZZ, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart ZZZZZ, entitled “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources,” shall comply with those provisions.

R 336.1950 Emissions standards for aluminum, copper, and other nonferrous foundry area sources; adoption by reference.

Rule 950. The provisions of 40 C.F.R., part 63, subpart ZZZZZZ, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart ZZZZZZ, entitled “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries,” shall comply with those provisions.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

UNBUNDLED NETWORK ELEMENT AND LOCAL INTERCONNECTION SERVICES

Filed with the Secretary of State on

These rules become effective on May 25, 2013.

(By authority conferred on the public service commission by sections 202 and 213 of 1991 PA 179, MCL 484.2202 and 484.2213.)

R 484.71, R 484.72, R 484.73, R 484.74, R 484.75 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 484.71 Applicability.

Rule 1. These rules apply to the provision of unbundled network elements and local interconnection services by an incumbent local exchange carrier to other providers which are used in the provision of basic local exchange service. These rules do not alter the scope or terms of any preexisting performance remedy plan and performance measurements approved by the commission.

R 484.72 Definitions.

Rule 2. (1) As used in these rules:

- (a) "Act" means 1991 PA 179, MCL 484.2102.
 - (b) "Federal act" means the telecommunications act of 1996, 101 stat. 101 (1996).
 - (c) "Incumbent local exchange carrier" or "ILEC" means that term as defined in 47 USC 251(h) and required to comply with the additional obligations in 47 USC 251(c).
 - (d) "Interconnection agreement" means an agreement between 2 or more providers entered into under sections 251 and 252 of the federal act.
 - (e) "Provider" means a person, firm, partnership, corporation, or other entity that provides basic local exchange service as defined by section 102(b) of the act.
- (2) A term defined in the act has the same meaning when used in these rules.

R 484.73 Expiration.

Rule 3. These rules expire 3 years from the effective date of the rules. The commission may, prior to the expiration of the rules, promulgate new rules.

PART 2. PROVISION OF UNBUNDLED NETWORK ELEMENTS AND LOCAL
INTERCONNECTION

R 484.74 Quality standards.

Rule 4. (1) The quality standards for the provision of unbundled network elements and local interconnection by an ILEC shall be either of the following:

(a) Those standards in a preexisting performance remedy plan for an ILEC and performance measurements approved by the commission in an industry-wide proceeding in Michigan, regardless of whether all providers participate in the plan.

(b) If a plan specified in subrule (1)(a) of this rule does not exist for the ILEC, then the performance remedy plan and performance measurements negotiated or arbitrated by the parties in an interconnection agreement approved by the commission.

(2) Nothing in this rule shall entitle a provider to participate in a plan if the plan is not incorporated into its commission-approved interconnection agreement.

R 484.75 Remedies.

Rule 5. Nothing in this rule shall add to or detract from the remedies available to a provider under the plans referenced in R 484.74, the act, or the federal act.

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

HEALTH INSURANCE CLAIMS ASSESSMENT ACT

GENERAL RULES

Filed with the Secretary of State on March 11, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Department of Treasury by section 6 of 2011 PA 142, MCL 550.1736(2))

R 550.402, R 550.403 and R 550.404 are added to the Michigan Administrative Code as follows:

R 550.402 Collection of assessment by carrier or third-party administrator.

Rule 2. (1) Neither a carrier nor a third-party administrator is required to collect the assessment levied under this Act from an individual, employer, or group health plan pursuant to Section 3a of the Act; the collection of the assessment from these parties by carriers and third-party administrators is permissive.

(2) However, if a carrier or third-party administrator determines to collect the assessment from an individual, employer, or group health plan, such collection may only be undertaken pursuant to the methodology requirements set forth in Section 3a. For purposes of this rule, “Act” means the Health Insurance Claims Assessment Act, 2011 PA 142, MCL 550.1731 et seq.

R 550.403 Recordkeeping; examination of documents.

Rule 3. (1) The department, through its field auditors and other employees, may examine the books, records and papers of any person liable for the assessment.

(2) Every person subject to the assessment must keep and preserve suitable and adequate records to enable such person, as well as the state, to determine the correct amount of the assessment for which the person is liable. Failure to produce and keep records for the purpose of examination by the department will be considered willful noncompliance with a tax law.

(3) A person subject to the assessment must retain all quarterly worksheets as well as all source documents used in the preparation of the quarterly worksheets and the annual returns filed pursuant to the Act. Source documents may include, but are not limited to, documents and records maintained in the ordinary course of business containing claims-related information and statements or billings for medical services.

(4) A person subject to the assessment must also retain all documents and records used to determine eligibility for, and the amount of, each of the exclusions from the assessment indicated on the quarterly worksheets and annual returns, including, but not limited to, documents and records supporting recoveries against claims, claims-related expenses, claims paid for non-residents, claims paid for services not performed in Michigan, reimbursements made to individuals under federally authorized health spending accounts, and claims paid pursuant to accident, disability, long-term care, automobile, workers’ compensation, or property and casualty coverage.

R 550.404 Michigan resident; domicile.

Rule 4. (1) For purposes of the Act, a Michigan “resident” is an individual who is domiciled in the state of Michigan on the date that the service in question is performed.

(2) “Domicile” means the place where an individual has his or her fixed, permanent and principal home to which he or she returns or intends to return. An individual’s domicile in one place continues until a different domicile is established.

(3) A rebuttable presumption shall exist that an individual’s home address, as maintained in the ordinary business records of a carrier or third-party administrator, indicates the domicile of that individual under this definition. Example: An individual who is domiciled in Michigan, but attends college in another state, is a Michigan resident for purposes of the Act. If that individual obtains health services in Michigan while home between semesters, a “paid claim” for the performance of those services will be subject to the assessment under the Act.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40102, R 408.40114, R 408.40116, R 408.40119, R 408.40121, R 408.40122, R 408.40127, R 408.40128, R 408.40130, R 408.40131, R 408.40132, R 408.40133, and R 408.40134 of the Michigan Administrative Code are amended and R 408.40118, R 408.40125, and R 408.40126 of the Code are rescinded as follows:

PART 1. GENERAL RULES

R 408.40102. Definitions.

Rule 102. (1) "Accident prevention program" means the program by which an employer provides instruction and safety training to an employee in the recognition and avoidance of hazards.

(2) "Aisle" means a designated path of travel for equipment and employees.

(3) "Approved" means approval by the director of the department of licensing and regulatory affairs or by the director's duly designated representative.

(4) "Confined space" means a space that, because of its physical construction, could be subject to the accumulation of loose materials or explosive, toxic, or flammable contaminants or could have an oxygen deficient atmosphere. All of the following are examples of confined spaces:

(a) Storage tanks.

(b) Process vessels.

(c) Bins.

(d) Boilers.

(e) Ventilation ducts.

(f) Sewers.

(g) Underground utility vaults.

(h) Tunnels after construction is completed.

(i) Pipelines.

(j) Open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

(5) "Equivalent" means an alternate design or feature that provides at least as effective degree of safety or a greater degree of safety.

(6) “Hazard” means a condition or procedure that is causing or is likely to cause serious physical harm or death to an employee.

(7) “Potable water” means water that is in compliance with the provisions of 1976 PA 399, MCL 325.1001 to 325.1023.

(8) “Qualified employee” means one who, by knowledge, training, and experience, has successfully demonstrated to the employer his or her ability to solve or resolve problems relating to the subject matter, the work, or the project.

R 408.40114. Employer responsibilities; accident prevention program.

Rule 114. (1) An employer shall develop, maintain, and coordinate with employees an accident prevention program, a copy of which shall be available at the worksite.

(2) An accident prevention program shall, at a minimum, provide for all of the following:

(a) Instruction to each employee regarding the operating procedures, hazards, and safeguards of tools and equipment when necessary to perform the job.

(b) Inspections of the construction site, tools, materials, and equipment to assure that unsafe conditions which could create a hazard are eliminated.

(c) Instruction to each employee in the recognition and avoidance of hazards and the regulations applicable to his or her work environment to control or eliminate any hazards or other exposure to illness or injury.

(d) Instruction to each employee who is required to handle or use known poisons, toxic materials, caustics, and other harmful substances regarding all of the following:

(i) The potential hazards.

(ii) Safe handling.

(iii) Use.

(iv) Personal hygiene.

(v) Protective measures.

(vi) Applicable first aid procedures to be used in the event of injury.

(e) Instruction to each employee if known harmful plants, reptiles, animals, or insects are present regarding all of the following:

(i) The potential hazards.

(ii) How to avoid injury.

(iii) Applicable first aid procedures to be used in the event of injury.

(f) Instruction to each employee who is required to enter a confined space regarding all of the following:

(i) The hazards involved.

(ii) The necessary precautions to be taken.

(iii) The use of required personal protective equipment.

(iv) Emergency equipment.

(v) The procedures to be followed if an emergency occurs.

(g) Instruction in the steps or procedures to be followed in case of an injury or accident or other emergency.

R 408.40116. Employee responsibilities.

Rule 116. An employee shall immediately report hazardous conditions or equipment to the employer.

R 408.40118. Rescinded.

R 408.40119. Housekeeping and disposal of waste materials.

Rule 119. (1) Materials, including scrap and debris, shall be piled, stacked, or placed in a container in a manner that does not create a hazard to an employee.

(2) Garbage capable of rotting or becoming putrid shall be placed in a covered container. Container contents shall be disposed of at frequent and regular intervals.

(3) Combustible scrap and debris shall be removed in a safe manner from the work area at reasonable intervals during the course of construction. A safe means shall be provided to facilitate this removal.

(4) Material which may be dislodged by wind and that could create a hazard when left in an open area shall be secured.

R 408.40121. Confined or enclosed spaces; testing; neutralizing hazard.

Rule 121. (1) Before an employee enters a manhole, well, shaft, tunnel, or other confined space where the atmosphere might be hazardous due to a condition such as a deficiency of oxygen, or might be toxic in excess of the maximum allowable limits prescribed by the department of licensing and regulatory affairs, the atmosphere shall be tested and the results recorded. The records shall be maintained at the job site. If the atmosphere is hazardous, either sufficient ventilation to eliminate the hazard shall be provided or respiratory equipment prescribed by the department of licensing and regulatory affairs shall be worn.

(2) If an atmosphere is found to be explosive, sparks, flame, and other sources of ignition shall be prohibited, and ventilation shall be provided until the hazard has been reduced and maintained at or below the maximum allowable limits prescribed by the department of licensing and regulatory affairs.

R 408.40122. Boilers and pressure vessels.

Rule 122. (1) The installation, inspection, testing, marking, and certification of a pressure vessel shall be as prescribed in section viii on unfired pressure vessels of the ASME boiler and pressure vessel code of 1989, which is adopted by reference in these rules and may be inspected at the Lansing office of the department of licensing and regulatory affairs. This code may be purchased at a cost as of the time of adoption of these rules of \$514.00 from either the American Society of Mechanical Engineers, Standards Department, United Engineering Center, 345 E. 47th Street, New York, New York 10017, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

(2) An employer shall not use a boiler to perform construction operations unless the employer has a valid certification issued by the boiler division of the Michigan department of licensing and regulatory affairs.

R 408.40125. Rescinded.

R 408.40126. Rescinded.

R 408.40127. Machine installations and guarding.

Rule 127. (1) The power source of any machine that is to be repaired, serviced, or set up, where unexpected motion or an electrical or other energy source would cause injury, shall be locked out by each employee doing the work, except when motion is necessary during setup, adjustment, or troubleshooting. Any residual pressure shall be relieved before and during the work. A machine connected by a cord and plug to an electric power source shall be considered in compliance if the plug is disconnected and tagged and the disconnection is within view of the operation.

(2) An employee shall not place his or her body beneath equipment such as a vehicle, a machine, or materials, that is supported only by a jack, overhead hoist, chain fall, or any other temporary single

supporting means, unless safety stands, blocks, or another support system that is capable of supporting the total imposed weight is used to protect the employee if the temporary single supporting means fails.

R 408.40128. Sanitation.

Rule 128. (1) All of the following provisions apply to potable water:

- (a) A supply of potable water shall be available to employees in all places of employment.
- (b) A container used to distribute drinking water shall be constructed of impervious nontoxic materials, shall be clearly marked as to its contents, and shall not be used for any other purpose. Containers shall be serviced so that sanitary conditions are maintained.
- (c) A portable container used to dispense drinking water shall be closed and equipped with a tap.
- (d) Dipping water from a container or drinking from a common cup is prohibited.
- (e) Where single-service cups (cups to be used once) are supplied, a sanitary container for the unused cups shall be provided. A receptacle for disposing of used cups shall be provided and emptied as often as is necessary.

(2) Both of the following provisions apply to nonpotable water:

- (a) An outlet for nonpotable water, such as water for industrial or fire fighting purposes only, shall be identified by signs that are in compliance with the requirements of construction safety standard, part 22. Signals, Signs, Tags, and Barricades, being R 408.42201 et seq. of the Michigan Administrative Code, to indicate clearly that the water is not to be used for drinking, washing, or cooking purposes.
- (b) There shall be no connection between a system furnishing potable water and a system furnishing nonpotable water.

R 408.40130. General sanitation.

Rule 130. (1) The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

(2) Washing facilities shall be maintained in a sanitary condition.

(3) All of the following apply to lavatories.

(a) Lavatories shall be made available in all places of employment. The requirements of this subdivision do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this paragraph.

(b) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(c) Hand soap or similar cleansing agents shall be provided.

(d) Individual hand towels or sections thereof, of cloth or paper, air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

(4) All of the following apply to showers.

(a) Whenever showers are required by a particular standard, the showers shall be provided in accordance with subrule (5)(b) to (d) of this rule.

(b) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(c) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in subrule (3)(c) of this rule.

(d) Showers shall be provided with hot and cold water feeding a common discharge line.

(e) Employees who use showers shall be provided with individual clean towels.

(5) Eating and drinking areas. No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

(6) Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

(7) Whenever employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials, change rooms equipped with storage facilities for street clothes and separate storage facilities for the protective clothing shall be provided.

R 408.40131. Food handling.

Rule 131. All employee food service facilities and operations shall be in compliance with the provisions of part 129 of the food service and sanitation requirements of 1978 PA 368, MCL 333.12901 to 333.12922. The food service and sanitation requirements are available from the Michigan Department of Agriculture and Rural Development, 611 W. Ottawa St., P.O. Box 30017, Lansing, Michigan 48909, at no charge as of the time of adoption of this rule.

R 408.40132. Medical services and first aid.

Rule 132. (1) An employer shall ensure the availability of medical personnel for advice and consultation on matters of occupational health.

(2) Before beginning a project, provision shall be made for prompt medical attention in case of serious injury.

(3) A person who has a valid certificate in first aid training shall be present at the worksite to render first aid. A certificate is valid if the requirements necessary to obtain the certificate for first aid training meet or exceed the requirements of the United States bureau of mines, the American red cross, the guidelines for basic first aid training programs, or equivalent training.

(4) Where a remote location or a single employee worksite exists, an employer shall provide a written plan that includes alternate methods of assuring available treatment for employees at a remote location or single-employee worksite. The plan shall be communicated to all affected employees.

(5) An employer shall assure that there are first aid supplies at each jobsite and that the supplies are readily accessible.

(6) The contents of a first aid kit shall be approved by a consulting physician. First aid kit supplies shall be sealed in individual packages, stored in a weatherproof container, and checked by an employer or designated person before being sent out on each job and at least weekly on each job to ensure that expended items are replaced.

(7) An employer shall provide proper equipment for the prompt transportation of an injured person to a physician or hospital and a communication system for contacting the necessary emergency service. The telephone numbers of a physician, hospital, or emergency service shall be conspicuously posted at the jobsite.

(8) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

R 408.40133. Illumination.

Rule 133. (1) A minimum illumination intensity of 10 footcandles shall be provided on a jobsite where construction work is being performed.

(2) A minimum illumination intensity of 5 footcandles shall be provided to areas on a jobsite where work is not being immediately performed but where workers may pass through.

(3) A minimum illumination intensity of 50 footcandles shall be provided for first aid stations and infirmaries.

(4) For areas or operations not covered by subrules (1) to (3) of this rule, refer to the American National Standard A11.1-1965, R 1970, Practice for Industrial Lighting, for recommended values of illumination. ANSI A11.1-1965, R 1970, is adopted by reference in this rule. Printed copies of ANSI A11.1-1965, R 1970, are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, telephone number 1-800-854-7179, website: www.global.ihs.com, at a cost as of the time of adoption of these rules of \$156.00 or is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.

R 408.40134 Temporary sleeping quarters.

Rule 134. When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40617, R 408.40621, R 408.40622, R 408.40623, R 408.40624, R 408.40625, R 408.40626, R 408.40631, R 408.40634, and R 408.40635 of the Michigan Administrative Code are amended and R 408.40627, R 408.40632, and R 408.40641 of the Code are rescinded, as follows:

PART 6. PERSONAL PROTECTIVE EQUIPMENT

R 408.40617 Employer responsibility.

Rule 617. (1) An employer shall provide to an employee, at no expense to the employee, the initial issue of personal protective equipment and replacement equipment necessary due to reasonable wear and tear required by this part or any other construction safety standard rules, unless specifically indicated otherwise in this part or any other construction safety standard rules, or unless a collective bargaining or other employer/employee agreement specifically requires employees to provide such equipment.

(2) An employer shall require an employee to wear personal protective equipment when prescribed by the rules of this part.

(3) If the employer supplies personal protective equipment which is worn in direct contact with the skin, the equipment shall be sanitized before being reissued to another employee.

R 408.40621 Certification of head protection.

Rule 621. (1) A class A helmet shall bear a certification by the manufacturer that the helmet is as prescribed in ANSI standard Z89.1-1986, industrial head protection, which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$24.00 as of the time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.

(2) A class B helmet for the protection of an employee exposed to voltages of more than 600 volts shall bear a certification by the manufacturer that the helmet is as prescribed in ANSI standard Z89.2-1986, industrial protective helmets for electrical workers, which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA

Standards Section. The standard may be purchased at a cost of \$24.00 as of time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

R 408.40622 Use of head protection.

Rule 622. (1) A helmet, as prescribed in R 408.40621, shall be used to protect the employee where a hazard or risk of injury exists from falling or flying objects or particles or from other harmful contacts or exposures.

(2) A helmet that has been physically altered, painted, or damaged shall not be worn.

(3) A chin strap shall be provided with a helmet and shall be used when the employee is exposed to weather or work operations that may cause the helmet to be displaced.

R 408.40623 Certification of face and eye protection.

Rule 623. Except for the devices required by R 408.40624(5), all face and eye protection devices shall bear a certification by the manufacturer that the device has been produced according to ANSI standard Z87.1, as revised in 1991, occupational and educational eye and face protection, which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$42.00 as of the time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909. If it is impractical for the protection device to bear the certification, then the container for the device shall bear the certification.

R 408.40624 Use of face and eye protection.

Rule 624. (1) Face and eye protection, as prescribed in R 408.40623, shall be used where a hazard or risk of injury exists from flying objects or particles, harmful contacts, exposures such as glare, liquids, injurious radiation, electrical flash, or a combination of these hazards. Table 1 shall be used as a guide to select the proper eye and face protection.

(2) An employee who needs corrective lenses in spectacles where eye protection is required shall be protected by 1 of the following:

(a) Spectacles whose protective lenses provide optical correction.

(b) Goggles that can be worn over the corrective lenses without disturbing the adjustment of the spectacles.

(c) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(3) Face and eye protection equipment shall be of proper size to fit the employee and protect against the intrusion of foreign objects. Face and eye protection shall be kept clean and in good repair. Equipment with structural or optical defects shall not be used.

(4) When an employee is welding and using a welding shield, the shield shall incorporate a safety glass feature with a flip-up filter lens or the employee shall wear safety glasses with side shields or goggles under the shield when the shield is raised and is exposed to flying objects.

(5) Table 2 shall be used to select the proper shade number of filter lenses or plates during welding operations.

(6) An employee exposed to laser beams with a wattage of more than .005 (5 milliwatts) shall wear laser safety goggles which provide protection for the specific wavelength of the laser and which are of an optical density (O.D.) adequate for the energy involved. The maximum power or energy density for

which adequate protection is afforded by glasses of optical densities from 5 to 8 is shown in table 3. Output levels falling between lines in this table shall require the higher optical density.

If requiring the goggles to bear the data is impractical, then the goggle box shall bear the data.

(7) Table 1 reads as follows:

TABLE 1
EYE AND FACE PROTECTOR SELECTION GUIDE



1. GOGGLES, Flexible Fitting, Regular Ventilation
2. GOGGLES, Flexible Fitting, Hooded Ventilation
3. GOGGLES, Cushioned Fitting, Rigid Body
- * 4. SPECTACLES, Metal Frame, with Side Shields
- * 5. SPECTACLES, Plastic Frame, with Side Shields
- * 6. SPECTACLES, Metal-Plastic Frame, with Side Shields
- ** 7. WELDING GOGGLES, Eyecup Type, Tinted Lenses (Illustrated)
- 7A. CHIPPING GOGGLES, Eyecup Type, Clear Safety Lenses (Not Illustrated)**
- **8. WELDING GOGGLES, Converspec Type, Tinted Lenses (Illustrated)
- **8A. CHIPPING GOGGLES, Coverspec Type, Clear Safety Lenses. (Not Illustrated)
- **9. WELDING GOGGLES, Coverspec Type, Tinted Plate Lens
10. FACE SHIELD (Available with Plastic or Mesh Window)
- **11. WELDING HELMETS

<i>APPLICATIONS</i>		
<i>OPERATION</i>	<i>HAZARDS</i>	<i>RECOMMENDED PROTECTORS: Bold Type Numbers Signify Preferred Protection</i>
Acetylene-Burning Acetylene-Cutting Acetylene-Welding	Sparks, Harmful rays, Molten Metal, Flying Particles	7, 8, 9
Chemical Handling	Splash, Acid burns, Fumes	2, 10 (For severe exposure add 10 over 2)
Chipping	Flying Particles	1, 3, 4, 5, 6, 7A, 8A
Electric (arc) Welding	Sparks, Intense Rays, Molten Metal	9, 11 (11 in combination with 4, 5, 6, in tinted lenses advisable)
Furnace Operations	Glare, Heat, Molten Metal	7, 8, 9 (For severe exposure add 10)
Grinding-Light	Flying Particles	1, 3, 4, 5, 8, 10
Grinding-Heavy	Flying Particles	1, 3, 7A, 8A (For severe exposure add 10)

Laboratory	Chemical Splash, Glass Breakage	2 (10 when in combination with 4, 5, 6)
Machining	Flying Particles	1, 3, 4, 5, 8, 10
Molten Metals	Heat, Glare, Sparks, Splash	7, 8 (10 in combination with 4, 5, 6, in tinted lenses)
Spot Welding	Flying Particles, Sparks	1, 3, 4, 5, 8, 10

* Non-side shield spectacles are available for limited hazard use requiring only frontal protection.

** See table 2 of this rule, filter Lens Shade Numbers, for protection for welding operations.

(10) Table 2 reads as follows:

TABLE 2

FILTER LENS SHADE NUMBERS

DURING WELDING OPERATIONS

WELDING OPERATION SHADE NUMBER

Shielded metal-arc welding 1/16-, 3/32-, 1/8-, 5/32-, inch diameter electrodes	10
Gas-shielded arc welding (nonferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	11
Gas-shielded arc welding (ferrous) 1/16, 3/32-, 1/8-, 5/32-inch diameter electrodes	12
Shielded metal-arc welding 3/16-, 7/32-, 1/4-inch diameter electrodes	12
5/16-, 3/8-inch diameter electrodes	14
Atomic hydrogen welding	10 - 14
Carbon-arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Gas welding (light), up to 1/8-inch	4 or 5
Gas welding (medium), 1/8-inch to 1/2-inch	5 or 6
Gas welding (heavy), over 1/2-inch	6 or 8

(11) Table 3 reads as follows:

TABLE 3

SELECTING LASER SAFETY GLASS

INTENSITY ATTENUATION

CW Maximum

Power Density

(Watts/cm²) Optical Density

(O.D.) Attenuation

Factor

10-2 5 105

10-2 6 106

1.0 7 107

10.0 8 108

*10-2 Equals 1 Milliwatt.

R 408.40625 Certification and use of foot protection.

Rule 625. (1) Safety toe footwear shall bear a permanent mark to show the manufacturer's name or trademark and to show certification of compliance with ANSI standard Z41-1991, protective foot wear personal protection, which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$20.00 as of the time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

(2) An employee shall wear foot protection or toe protection, or both, if conditions of the job are likely to cause a foot injury. The employee shall provide the foot protection or toe protection unless specifically otherwise provided for in a collective bargaining agreement or other employer-employee agreement.

(3) Where a hazard is created from a process, a chemical or mechanical irritant which could cause an injury or impairment to the feet by absorption or from physical contact other than from impact, footwear such as boots, overshoes, rubbers, wooden-soled shoes, or their equivalent shall be worn by the employee and provided for by the employer.

R 408.40626 Body protection.

Rule 626. (1) An employee who handles rough, sharp-edged, abrasive materials, or whose work subjects the hands to lacerations, punctures, burns, or bruises, shall wear hand protection of a type suitable for the work being performed. The employee shall provide the hand protection unless specifically otherwise provided for in a collective bargaining agreement or other employer-employee agreement.

(2) Cloth gloves shall not be worn when operating rotating equipment such as a drill or a powered threading machine.

(3) Precautions shall be taken with regard to synthetic clothing that is worn near a source of flame, spark, a hot surface, or material that could ignite the clothing.

(4) An employee shall not wear loose clothing, neckwear encircling the neck, or exposed jewelry, such as rings and necklaces, near a machine having reciprocating or rotating shafts or spindles or when handling material that could catch on clothing or jewelry and cause injury. A ring shall not be worn on the finger unless covered by a glove or tape.

(5) When an employee is exposed to hazards such as radiation, alkalies, acids, abrasives, and temperature extremes other than those caused by weather conditions, appropriate head, body, and hand protection shall be worn to protect the employee from that hazard. Such personal protective equipment shall be provided by the employer.

R 408.40627 Rescinded.

R 408.40631 Protection from unguarded surfaces.

Rule 631. (1) An employer shall ensure that an employee whose protection from falling is not covered by another part of the construction safety standards and who works more than 10 feet above the ground or floor from an unguarded work surface or who, regardless of height, works from an unguarded work

surface above or adjacent to, or above and adjacent to, a specific hazard, such as, but not limited to, dangerous equipment or an open tank or vat of hazardous substances, is either secured by a rope grab to a lifeline or to a structure or is protected by a safety net prescribed in R 408.40635.

(2) An employer shall ensure that a lifeline, safety belt, and a lanyard is used only for employee safeguarding. An employer shall ensure that a lifeline, safety belt, or lanyard actually subjected to inservice loading is immediately removed from service and is not used again for employee safeguarding.

(3) An employer shall ensure that a lifeline is secured directly above the point of operation to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds.

(4) An employer shall ensure that a lifeline used on rock-scaling operations or used in an area where the lifeline may be subjected to cutting or abrasion is a minimum of 7/8-inch wire core manila rope or equivalent. For other applications, an employer shall ensure that a minimum of 3/4-inch manila rope, or equivalent, that has a minimum breaking strength of 5,400 pounds is used.

(5) An employer shall ensure that a safety belt lanyard is a minimum of 1/2-inch nylon rope, or equivalent, that has a maximum length which provides for a vertical drop of not more than 6 feet from the point that the rope is attached to the body.

R 408.40632 Rescinded.

R 408.40634 Lineman's belt and safety strap; construction.

Rule 634. A lineman's belt and safety strap shall meet all of the following criteria:

(a) Hardware for a lineman's belt, safety belt, and safety strap shall be drop-forged or pressed steel with a corrosion-resistant finish. The surface shall be smooth and free of sharp edges.

(b) The hardware shall be constructed to withstand the following tests:

(i) Buckles, 2,000-pound tensile test with a permanent deformation of not more than 1/64 inch.

(ii) D rings, 5,000-pound tensile test without cracking or breaking.

(iii) Snaphooks, 5,000-pound tensile test without distortion which would release the keeper. The keeper shall have a spring tension that does not allow the keeper to open with a weight of not less than 4 pounds when the weight is supported on the keeper against the end of the nose.

(c) The cushion part of a lineman's belt shall meet all of the following requirements:

(i) It shall contain no exposed rivets on the inside.

(ii) It shall be not less than 3 inches wide and not less than 5/32 inch thick.

(iii) It shall have pocket tabs that extend not less than 1 1/2 inches down and 3 inches back of the inside of the circle of each D ring for riveting on plier or tool pockets. On shifting D belts, the measurement for pocket tabs shall be taken when the D ring section is centered.

(d) A maximum of 4 tool loops shall be so located on the lineman's belt that 4 inches of the lineman's belt in the center of the back, measured from D ring to D ring, are free of tool loop and other attachments.

(e) Copper, steel, or equivalent liners shall be used around the bar of D rings to prevent wear between the D ring and the leather or fabric enclosing them.

(f) All stitching shall be not less than 42-pound weight nylon or equivalent thread and shall be lock-stitched. Stitching parallel to an edge shall be not less than 3/16 inch from the edge of the narrowest member caught by the thread.

R 408.40635 Safety nets.

Rule 635. (1) An employer shall ensure that a net extends 8 feet beyond the edge of the work surface where an employee is exposed and is installed as close under the work surface as practical, but not more than 25 feet below the work surface. An employer shall ensure that the net is hung with sufficient clearance to prevent an employee from coming in contact with the surface below.

- (2) An employer shall ensure that the mesh size of a net is not more than 6 inches by 6 inches.
- (3) An employer shall ensure that a net purchased after July 12, 1999 bears a label certifying an accepted performance of 17,500 foot-pounds minimum impact resistance for each panel. An employer shall ensure that the edge ropes provide a minimum breaking strength of 5,000 pounds.
- (4) An employer shall ensure that forged steel safety hooks or shackles are used to fasten the net to its supports.
- (5) An employer shall ensure that connections between net panels develop a safety net that has the full strength of each panel.

R 408.40641 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40709, R 408.40711, R 408.40712, R 408.40721, R 408.40722, R 408.40743, R 408.40744, R 408.40746, R 408.40751, R 408.40761, of the Michigan Administrative Code are amended and R 408.40714, R 408.40729, and R 408.40742 of the Code are rescinded, as follows:

PART 7. WELDING AND CUTTING

GENERAL PROVISIONS

R 408.40709 Adopted and referenced standards.

Rule 709. (1) The standards specified in this rule, except for the standards specified in subrule (2) of this rule, are adopted by reference.

(a) The following standards are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at web-site: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule:

(i) American National Standard Institute Standard ANSI/AWS Z49.1, Safety in Welding and Cutting and Allied Processes, 1973 edition. Cost: \$96.00.

(ii) American National Standard Institute Standard ANSI/ASA B57.1, Compressed Gas Cylinder Valve Outlet and Inlet Connections, 1965 edition. Cost \$29.00.

(b) The following standards are available from the National Fire Protection Association, Charles S Morgan Technical Library, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts, 02269-9101, USA; telephone number: 617-984-7445; or via the internet at web-site: www.nfpa.org/library or e-mail at Library@NFPA.org; at a cost as of the time of adoption of these rules, as stated in this subrule.

(i) National Fire Protection Association NFPA 50 Standards for Bulk Oxygen Systems at Consumer Sites, 1974 edition. Cost: \$27.00.

(ii) National Fire Protection Association NFPA 58 Liquefied Petroleum Gas Code, 1974 edition. Cost: \$27.00.

(c) Code of Federal Regulations, Title 49, Transportation, Part 186-199 stock number 869-048-00199-9 is available from the U.S. Government Bookstore, Washington DC, 20402; telephone number: 888-293-

6498; or via the internet at web-site: <http://bookstore.gpo.gov>; at a cost, as of the time of adoption of these rules, of \$4.00.

These standards are also available for inspection at, and purchase from, the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143.

(2) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at web-site: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page

(a) Construction Safety Standard Part 1 General Rules, R 408.40101 to R 408.40134.

(b) Construction Safety Standard Part 6 Personal Protective Equipment, R 408.40601 to R 408.40641.

(c) Construction Safety Standard Part 45 Fall Protection, R 408.44501 to R 408.44502.

(d) General Industry Safety Standard Part 12 Welding and Cutting, R 408.11231 to R 408.11252.

R 408.40711 Employer and employee responsibilities.

Rule 711. (1) An employer shall do all of the following:

(a) Assure that each employee has received safety training in the use of equipment for welding operations and instruction in the rules of this part before allowing the employee to use the equipment.

(b) Assure that an employee in charge of the operation of oxygen or fuel gas supply equipment or of oxygen or fuel gas systems is instructed and judged competent for this work by the employer before being left in charge. Rules and instructions covering the operation and maintenance of oxygen or fuel gas distribution piping systems shall be readily available.

(2) Welding operations shall not be permitted in the following situations:

(a) In an area not authorized by the building or structure occupant.

(b) In a sprinklered building while the sprinkler system is impaired, unless a fire watch is provided.

(c) In the presence of a potentially explosive atmosphere, such as mixtures of flammable gases, vapors, liquids, or dusts with air.

R 408.40712 Requirements generally.

Rule 712. (1) Only apparatus designed for use with fuel gas or oxygen, such as a torch, regulator, pressure-reducing valve, acetylene generator, and manifold, shall be used for welding or cutting.

(2) Fuel gas, oxygen, or compressed air shall not flow from a cylinder or manifold through a torch or other device equipped with a shutoff valve unless the pressure is reduced by a regulator attached to the cylinder or manifold.

(3) An oxygen cylinder, fuel gas cylinder, cylinder valve, coupling regulator, hose, and apparatus shall be kept in good operating condition and shall be kept free from defects.

(4) An oxygen cylinder, fuel gas cylinder, cylinder valve, coupling regulator, hose, and apparatus shall be kept free from oily or greasy substances and shall not be handled with oily hands or gloves. A jet of oxygen shall not be permitted to strike oily surfaces or greasy clothes and shall not be permitted to enter a fuel, oil, or other storage tank.

(5) Oxygen shall only be used for welding or cutting.

(6) Welders shall place welding cable, hose, and other equipment so that it is clear of passageways, ladders, and stairways, or shall assure that it is protected against damage and does not create a hazard to an employee.

R 408.40714 Rescinded.

CYLINDERS

R 408.40721 Cylinders manufacturing, labeling, periodic testing, and marking.

Rule 721. (1) A cylinder shall be manufactured, labeled, and periodically tested in accordance with the specifications of the federal department of transportation requirements published in 49 C.F.R. Part 178, Subpart C, Specification for Cylinders, which are adopted by reference in R 408.40709.

(2) A cylinder shall be legibly marked with either the chemical or trade name. Marking shall be by stenciling, stamping, or labeling and shall not be tampered with or be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder.

(3) An unlabeled cylinder shall not be used.

R 408.40722 Storage.

Rule 722. (1) An oxygen cylinder shall be stored not less than 20 feet from fuel gas cylinders or any highly combustible material, such as, but not limited to, oil, grease, excelsior, flammable gas, or a source of ignition, or shall be separated from the material by a noncombustible wall not less than 5 feet (1.6 meters) high which has a fire resistance rating of 30 minutes.

(2) A cylinder shall be stored away from any source of heat more than 125 degrees Fahrenheit.

(3) A cylinder, whether full or empty, in storage or during shipment, or with the regulator removed, shall have the valve closed and the cap connected in place if a cap is provided in the design, or shall be otherwise protected.

(4) Where different gases are stored, they shall be grouped by types. Groupings shall separate the fuel gases from the oxidizing gases as specified in subrule (1) of this rule.

(5) A storage area for cylinders shall be well ventilated.

(6) A cylinder shall not be stored in basements or pits.

(7) Where a liquid or gaseous oxygen system is used to supply gaseous oxygen for welding and cutting and the system has a storage capacity of more than 20,000 cubic feet (560 cubic meters), measured at 14.7 psia and 70 degrees Fahrenheit, including unconnected reserves at the site, the system shall be as prescribed in National Fire Protection Association Standard NFPA 50, 1974 edition, Standards for Bulk Oxygen Systems at Consumer Sites, which is adopted by reference in R 408.40709.

R 408.40729 Rescinded.

ARC WELDING AND CUTTING

R 408.40742 Rescinded.

R 408.40743 Design requirements for arc welding machines.

Rule 743. (1) A controller integrally mounted in an electric motor-driven welding machine shall have the capacity for carrying rated motor current and shall be capable of making and interrupting stalled rotor current of the motor.

(2) Input power terminals, tap change devices, and live metal parts connected to input circuits shall be completely enclosed and shall be accessible only by use of tools.

(3) Welding lead terminals shall be protected from accidental electrical contact by personnel or metal objects. If a welding lead terminal normally used for connection to the work is connected to a grounded enclosure, it shall be done by a conductor not less than 2 sizes smaller than the grounding conductor and it shall be so marked.

- (4) Portable control devices, such as push buttons, shall not be connected to an AC circuit of more than 120 volts. Exposed metal parts of a portable control device operating above 50 volts shall be grounded.
- (5) Auto transformers or AC reactors shall not be used to draw welding current directly from any AC power source having a voltage of more than 80 volts.

R 408.40744 Installation.

Rule 744. (1) The frame or case of a welding machine shall be grounded, unless the manufacturer does not recommend it.

(2) The work on which the operator welds shall be grounded. A wire used to ground a workpiece shall be capable of carrying the full welding current. Connections of the ground shall be mechanically sound and strong. When a single ground return cable services more than 1 unit, the safe current-carrying capacity of the cable shall equal or exceed the total maximum output capacities of all units which it services.

(3) A conduit containing an electrical conductor shall not be used for completing a work-lead circuit.

(4) A pipeline in service shall not be used as a permanent part of a work-lead circuit, but may be used during construction, extension, or repair if current is not carried through threaded joints, flanged bolted joints, or caulked joints and if special precautions are used to avoid sparking at the connection of the work-lead cable.

(5) Chains, wire ropes, cranes, hoists, and elevators used for carrying loads shall not be used to carry a welding current.

(6) A welding cable shall be protected against damage, entanglement, or contact with power supply or high-tension wires.

(7) A welding machine that is not provided with a controller or disconnect switch as an integral part shall have a controller or disconnect switch with overload protection provided. A disconnect switch with overload protection or overload disconnect protection, or equivalent, shall be provided for each outlet used by a portable welding machine, unless the machine is equipped with a disconnect switch and overload protection.

(8) The rated current-carrying capacity of the supply conductors for individual machines shall not be less than the rated primary current for the welding machine. The rated current-carrying capacity of the conductors for a group of welding machines may be less than the sum of the rated primary current of the welding machines supplied. The conductor rating shall be determined in each case according to the machine loading based on the use to be made of each welding machine and the allowance permissible if all the machines supplied by the conductor will not be in use at the same time.

(9) Where a welding machine is working sufficiently close to another machine so that a welding operator is likely to touch the exposed parts of more than 1 electrode holder simultaneously, the machine shall be connected so as to minimize shock hazard as follows:

(a) DC machine shall be connected with the same polarity.

(b) AC machine shall be connected to the same phase of the supply circuit and with the same instantaneous polarity.

(10) A current-carrying part passing through the portion of the holder that the employee grips by hand and the outer surface of the jaws of the holder shall be insulated against the maximum voltage encountered to ground.

R 408.40746 Operation.

Rule 746. (1) Engine fuel, cooling water, or shielding gas shall not be allowed to leak.

(2) A welding machine shall be disconnected when being moved and shall be turned off when not in use.

- (3) Electrodes shall be retracted or removed when not in use. Electrode holders not in use shall be placed so that they cannot make electrical contact with an employee, fuel, gas tanks, or conducting objects.
- (4) A welder shall not let live electrodes or holders touch his bare skin or damp clothing. When arc welding is performed in wet conditions or under a condition of high humidity, the welder shall be protected against electric shock.
- (5) Electrode holders shall not be cooled by immersion in water.
- (6) Welding shall not be permitted where fumes of chlorinated hydrocarbons are present or will reach or be drawn into the atmosphere surrounding the welding operation.
- (7) Before starting an arc welding operation, the welder shall do all of the following:
 - (a) Assure the work lead is secured to the work.
 - (b) Assure the magnetic work clamps are free of spatter on the contact surfaces.
 - (c) Spread out the welding cable, if necessary, to prevent overheating and damage.
 - (d) Assure grounding connections are secured to a good ground.
 - (e) Assure the required switching equipment for shutting down the machine has been provided.
- (8) A welder shall not curl or loop welding cable around his or her body.

PERSONAL PROTECTIVE EQUIPMENT

R 408.40751 Personal protective equipment.

Rule 751. (1) Face and eye protection shall be worn by a welder when performing welding operations and by other employees exposed to a risk of injury from spatter or flash, or both. The protective devices shall be provided for as prescribed in construction safety standard Part 6 Personal Protective Equipment, R 408.40617, R 408.40623, and R 408.40624.

- (2) Welding gloves shall be provided for by the employer, at no expense to the employee, and shall be worn to protect the hands and wrists.
- (3) Other protective devices, such as, but not limited to, body protection, chaps, and curtains shall be provided for by the employer, at no expense to the employee, and shall be used when an employee is exposed to a risk of injury by flash burn, sparks, and foreign bodies.

GENERAL FIRE RULES

R 408.40761 Fire precautions.

Rule 761. (1) Welding operations shall not be performed within 50 feet of explosives, stored cylinders, or stored fuel. Combustible and flammable materials located within 35 feet of a welding operation shall either be removed or covered with fire-resistant material.

- (2) Cracks or openings through which sparks could pass in the floor or wall that are within 35 feet of a welding operation shall be covered with a fire-resistant material.
- (3) A wood floor within 10 feet of a welding operation shall be protected by either wetting down, covering with sand, or covering with a fire-resistant material.
- (4) A minimum of 1 2A-10BC portable fire extinguisher shall be immediately available to the work area during welding operations.
- (5) An employer shall designate a person as responsible for fire safety during a welding operation where a fire could start or where 1 of the following conditions exists:
 - (a) Appreciable combustible and flammable materials are more than 35 feet from a welding operation but are easily ignited.
 - (b) Combustible and flammable material is adjacent to the opposite side of a metal partition, wall, ceiling, or roof that is likely to ignite by conduction or radiation.

(c) If there is a possibility that a smoldering fire may have started, the person shall remain at the scene of the work for not less than 30 minutes after the welding operation has stopped. Personnel shall be instructed as to the specific anticipated fire hazards and how the firefighting equipment provided is to be used.

(6) The connection, by welding, of branches to a pipeline carrying a flammable substance shall be performed in accordance with the regulations of the department of transportation, 49 C.F.R. Part 192, Minimum Federal Safety Standards for Gas Pipelines, which are adopted by reference in R 408.40709.

(7) Before welding, cutting, or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40932, R 408.40933, R 408.40941, and R 408.40851 of the Michigan Administrative Code are amended and R 408.40946 and R 408.40952 are rescinded, as follows:

PART 9. EXCAVATION, TRENCHING, AND SHORING

R 408.40932 Excavation; consideration of soil types; water; slide hazards.

Rule 932. (1) If different textured soils are encountered in the side of an excavation, each soil type of the excavation shall be cut to the proper angle of repose, except that the slope shall not steepen between the toe of the slope and the ground level where soft clay or running soil is encountered in the lower cut.

(2) An employee shall not work in an excavation in which there is accumulated water or in which water is accumulating unless precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but may include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or the use of a safety harness and lifeline.

(3) If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operation shall be monitored by a qualified person or a monitoring system to ensure that the equipment is properly operated.

(4) An ongoing inspection of an excavation or trench shall be made by a qualified person. After every rainstorm or other hazard-producing occurrence, an inspection shall be made by a qualified employee for evidence of possible slides or cave-ins. Where these conditions are found, all work shall cease until additional precautions, such as additional shoring or reducing the slope, have been accomplished.

(5) When installed forms, walls, or similar structures create a trench between the form, wall, or structure and the side of the excavation, an employer shall comply with the provisions of R 408.40941 to R 408.40944.

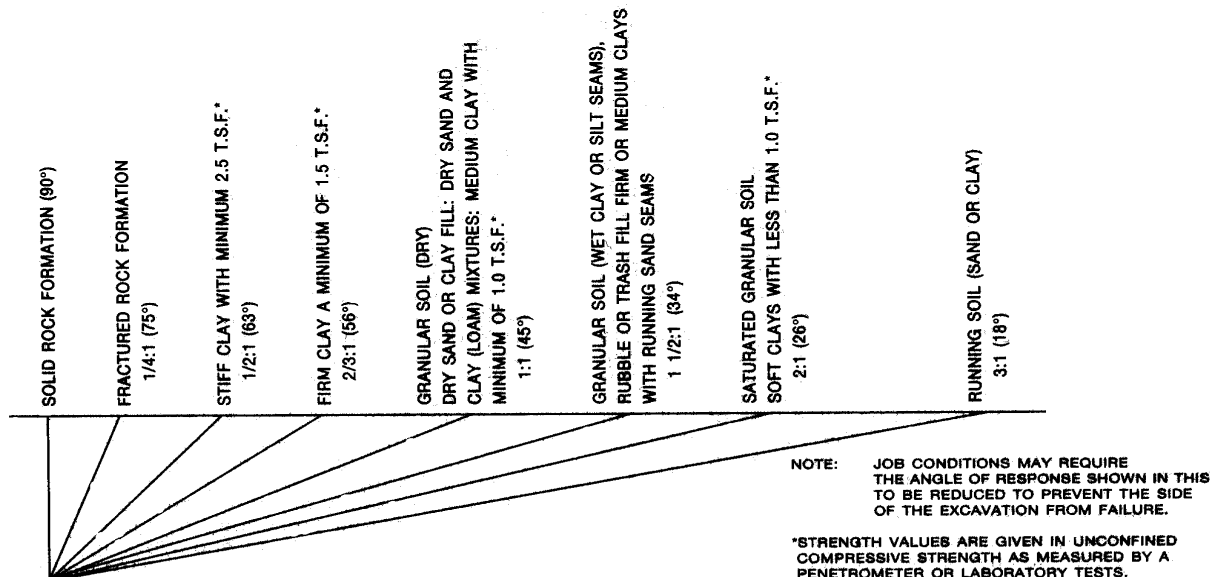
R 408.40933 Excavation; obstructions; retaining materials; egress; guarding; heavy equipment.

- Rule 933. (1) A tree, boulder, rock fragments, or other obstructions whose movement could cause injury to an employee shall be removed or supported.
- (2) An excavation that an employee is required to enter shall have excavated and other material stored and retained not less than 2 feet from the excavation edge.
- (3) When mobile equipment is utilized or permitted adjacent to an excavation where the operator's vision is restricted, stop logs or barricades shall be utilized or a signal person shall be used.
- (4) An excavation 48 or more inches in depth and occupied by an employee shall be provided with either a ladder extending not less than 3 feet above the top as a means of access or with a ramp meeting the requirements of subrule (6) (5) of this rule. Lateral travel along the wall of a trench to a ladder or other means of egress shall not exceed 25 feet.
- (5) An earth ramp may be used in place of a ladder if it meets all of the following requirements:
- (a) The ramp material shall be stable.
 - (b) The sides of the excavation above the ramp shall be maintained to the angle of repose or sheeted or shored along the means of egress.
 - (c) The degree of angle of the ramp shall not be more than 45 degrees.
 - (d) Vertical height between the floor of the trench and the toe of the ramp shall not exceed 30 inches.

R 408.40941 Excavation; angle of repose.

- Rule 941. (1) The side of an excavation more than 5 feet deep shall be sloped as prescribed in table 1, unless supported as prescribed in this part.
- (2) An excavation less than 5 feet in depth shall also be effectively protected when examination of the ground indicates hazardous earth movement may be expected.

TABLE 1
MAXIMUM ALLOWABLE ANGLE OF REPOSE FOR THE SIDE OF AN EXCAVATION IN EXCESS OF 5' DEPTH



R 408.40946 Rescinded.

R 408.40951 Walkways, sidewalks, roadways.

Rule 951. (1) A sidewalk shall not be undermined unless it is shored to support a live load of not less than 125 pounds per square foot.

(2) If an employee or equipment is required or permitted to cross a trench or ditch, a walkway, runway, ramp, or bridge shall be provided and shall have a designed capacity of not less than 3 times the imposed load. A guardrail prescribed by the provisions of Part 21. Guarding of Walking and Working Areas and Part 45. Fall Protection, R 408.42101 and R 408.44501, shall be provided.

R 408.40952 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on March 13, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030)

R 325.51101, R 325.51105, and R 325.51108 of the Michigan Administrative Code are amended and R 325.51101a is added to the Michigan Administrative Code as follows:

PART 301. AIR CONTAMINANTS FOR GENERAL INDUSTRY

R 325.51101 Scope; applicability; replacement of O.H. rules.

Rule 1. (1) These rules do not apply to the following types of employment:

- (a) Agriculture.
- (b) Domestic.
- (c) Mining.
- (d) Construction.

Exposure to air contaminants in construction work is covered by occupational health standard part 601 "Air Contaminants for Construction," R 325.60151 to R 325.60161.

(2) These rules replace O.H. rules 2101, 2102, 2103, and 2104.

R 325.51101a Availability of referenced standards.

Rule 1a. The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards.

For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

- (a) Occupational health standard part 302 "Vinyl Chloride," R 325.51401 to R 325.51414.
- (b) Occupational health standard part 303 "Methylenedianiline," R 325.50051 to R 325.50076.
- (c) Occupational health standard part 304 "Ethylene oxide," R 325.51151 to R 325.51177.
- (d) Occupational health standard part 305 "Asbestos for General Industry," R 325.51311 to R 325.51312.
- (e) Occupational health standard part 306 "Formaldehyde," R 325.51451 to R 325.51477.

- (f) Occupational health standard part 307 “Acrylonitrile,” R 325.51501 to R 325.51527.
- (g) Occupational health standard part 308 “Inorganic Arsenic,” R 325.51601 to R 325.51628.
- (h) Occupational health standard part 309 “Cadmium,” R 325.51851 to R 325.51886.
- (i) Occupational health standard part 310 “Lead,” R 325.51901 to R 325.51958.
- (j) Occupational health standard part 311 “Benzene,” R 325.77101 to R 325.77115.
- (k) Occupational health standard part 312 “1,3-Butadiene,” R 325.50091 to R 325.50092.
- (l) Occupational health standard part 313 “Methylene Chloride,” R 325.51651 to R 325.51652.
- (m) Occupational health standard part 314 “Coke Oven Emissions,” R 325.50101 to R 325.50136.
- (n) Occupational health standard part 315 “Chromium (VI) in General Industry,” R 325.50141 to R 325.50143.
- (o) Occupational health standard part 350 “Carcinogens,” R 325.35001 to R 325.35011.
- (p) Occupational health standard part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.
- (q) Occupational health standard part 601 “Air Contaminants for Construction,” R 325.60151 to R 325.60161.

R 325.51105 Methods of compliance.

Rule 5. To achieve compliance with the provisions of R 325.51103 and R 325.51104, administrative or engineering controls shall first be determined and implemented when feasible. If such controls are not feasible to achieve full compliance, then personal protective equipment or any other protective measures shall be used to keep the employee’s exposure to air contaminants within the exposure limits prescribed in these rules. Any equipment and technical measures used for this purpose shall be approved for each particular use by a competent industrial hygienist or other technically qualified person. When a respirator is used, its use shall comply with the provisions of occupational health standard part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

R 325.51108 Tables.

Rule 8. Tables G-1-A and G-2 read as follows:

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
Abate		—	15	—	—	—	—	—
Acetaldehyde	75-07-0	100	180	150	270	—	—	—
Acetic acid	64-19-7	10	25	—	—	—	—	—
Acetic anhydride	108-24-7	—	—	—	—	5	20	—
Acetone	67-64-1	750	1800	1000	2400	—	—	—
Acetonitrile	75-05-8	40	70	60	105	—	—	—
2-Acetylaminofluorine; see OH Part 350, R 325.35001 to R 325.35011 ^F	53-96-3							
Acetylene dichloride; see 1,2-Dichloroethylene								
Acetylene tetrabromide	79-27-6	1	14	—	—	—	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	—	5	—	—	—	—	—
Acrolein	107-02-8	0.1	0.25	0.3	0.8	—	—	—
Acrylamide	79-06-1	—	0.03	—	—	—	—	x
Acrylic acid	79-10-7	10	30	—	—	—	—	x
Acrylonitrile; see OH Part 307, R 325.51501 to R 325.51527 ^F	107-13-1	2	4.34	10	21.7			
Aldrin	309-00-2	—	0.25	—	—	—	—	x
Allyl alcohol	107-18-6	2	5	4	10	—	—	x
Allyl chloride	107-05-1	1	3	2	6	—	—	—
Allyl glycidyl ether (AGE)	106-92-3	5	22	10	44	—	—	—
Allyl propyl disulfide	2179-59-1	2	12	3	18	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
α Alumina (aluminum oxide)	1344-28-1							
Respirable fraction		—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Aluminum (as Al)	7429-90-5							
Alkyls		—	2	—	—	—	—	—
Metal		—		—	—	—	—	—
Respirable dust		—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Pyro powders		—	5	—	—	—	—	—
Soluble salts		—	2	—	—	—	—	—
Welding fumes*		—	5	—	—	—	—	—
4-Aminodiphenyl; see OH Part 350, R 325.35001 to R 325.35011 ^F	92-67-1							
2-Aminoethanol; see Ethanolamine								
2-Aminopyridine	504-29-0	0.5	2	—	—	—	—	—
Amitrole	61-82-5	—	0.2	—	—	—	—	—
Ammonia	7664-41-7	—	—	35	24	—	—	—
Ammonium chloride fume	12125-02-9	—	10	—	20	—	—	—
Ammonium sulfamate	7773-06-0							
Respirable dust		—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
n-Amyl acetate	628-63-7	100	525	—	—	—	—	—
sec-Amyl acetate	626-38-0	125	650	—	—	—	—	—
Aniline and homologues	62-53-3	2	8	—	—	—	—	x
Anisidine (o- and p-isomers)	29191-52-4	—	0.5	—	—	—	—	x
Antimony and compounds (as Sb)	7440-36-0	—	0.5	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
ANTU (alpha-naphthylthiourea)	86-88-4	—	0.3	—	—	—	—	—
Arsenic, organic compounds (as As)	7440-38-2	—	0.5	—	—	—	—	—
Arsenic, inorganic compounds (as As); see OH Part 308, R 325.51601 to R 325.51628 ^F	7440-38-2		0.01					
Arsine	7784-42-1	0.05	0.2	—	—	—	—	—
		TWA		STEL				
Asbestos; see OH Part 305, R 325.51311 to R 325.51312 ^F	Varies	0.1f/cc		—				
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}			
Atrazine	1912-24-9	—	5	—	—	—	—	—
Azinphos-methyl	86-50-0	—	0.2	—	—	—	—	x
Barium, soluble compounds (as Ba)	7440-39-3	—	0.5	—	—	—	—	—
Barium sulfate	7727-43-7	—	5	—	—	—	—	—
Respirable dust		—	10	—	—	—	—	—
Total dust	17804-35-2	—	5	—	—	—	—	—
Benomyl		—	10	—	—	—	—	—
Respirable dust	71-43-2	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Benzene ^E ; see OH Part 311, R 325.77101 to R 325.77115 ^F and table G-2 for limits applicable in the operations or sectors excluded in R 325.77101 ^E	71-43-2	1	3.19	5	15.97			
Benzidine; see OH Part 350, R 325.35001 to R 325.35011 ^F	92-87-5							
p-Benzoquinone; see Quinone								

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Benzo(a)pyrene; see Coal tar pitch volatiles								
Benzoyl peroxide	94-36-0	–	5	–	–	–	–	–
Benzyl chloride	100-44-7	1	5	–	–	–	–	–
Beryllium and beryllium compounds (as Be)	7440-41-7	See table G-2						
Biphenyl; see Diphenyl								
Bismuth telluride, Undoped	1304-82-1	–	5	–	–	–	–	–
Respirable dust		–	15	–	–	–	–	–
Total dust								
Bismuth telluride, Se-doped		–	5	–	–	–	–	–
Borates, Tetra, Sodium Salts	1330-43-4 1303-96-4 12179-04-3	–	10	–	–	–	–	–
Anhydrous		–	10	–	–	–	–	–
Decahydrate		–	10	–	–	–	–	–
Pentahydrate		–	10	–	–	–	–	–
Boron oxide, Total dust	1303-86-2	–	10	–	–	–	–	–
Boron tribromide	10294-33-4	–	–	–	–	1	10	–
Boron trifluoride	7637-07-2	–	–	–	–	1	3	–
Bromacil	314-40-9	1	10	–	–	–	–	–
Bromine	7726-95-6	0.1	0.7	0.3	2	–	–	–
Bromine pentafluoride	7789-30-2	0.1	0.7	–	–	–	–	–
Bromoform	75-25-2	0.5	5	–	–	–	–	–
1,3-Butadiene; see OH Part 312, R 325.50091 to R 325.50092 ^F	106-99-0	1	2.2	5	11.1	–	–	–

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Butane	106-97-8	800	1900	—	—	—	—	—
Butanethiol; see Butyl mercaptan								
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	—	—	—
2-Butoxyethanol	111-76-2	25	120	—	—	—	—	x
n-Butyl acetate	123-86-4	150	710	200	950	—	—	—
sec-Butyl acetate	105-46-4	200	950	—	—	—	—	—
tert-Butyl acetate	540-88-5	200	950	—	—	—	—	—
Butyl acrylate	141-32-2	10	55	—	—	—	—	—
n-Butyl alcohol (n-butanol)	71-36-3	—	—	—	—	50	150	x
sec-Butyl alcohol (sec-butanol)	78-92-2	100	305	—	—	—	—	—
tert-Butyl alcohol (tert-butanol)	75-65-0	100	300	150	450	—	—	—
Butylamine	109-73-9	—	—	—	—	5	15	x
tert-Butyl chromate (as Cr+6); see OH Part 315, R 325.50141 to R 325.50143 ^{F, G}	1189-85-1	—	0.005 (5 µg/m ³)	—	—	—	—	x
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	—	—	—	—	—
n-Butyl lactate	138-22-7	5	25	—	—	—	—	—
Butyl mercaptan	109-79-5	0.5	1.5	—	—	—	—	—
o-sec-Butylphenol	89-72-5	5	30	—	—	—	—	x
p-tert-Butyltoluene	98-51-1	10	60	20	120	—	—	—
Cadmium; see OH Part 309, R 325.51851 to R 325.51886 ^F	7440-43-9	—	0.005	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Calcium carbonate, Respirable dust	1317-65-3	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Calcium cyanamide	156-62-7	—	0.5	—	—	—	—	—
Calcium hydroxide	1305-62-0	—	5	—	—	—	—	—
Calcium oxide	1305-78-8	—	5	—	—	—	—	—
Calcium silicate, Respirable dust	1344-95-2	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Calcium sulfate, Respirable dust	7778-18-9	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Camphor, synthetic	76-22-2	—	2	—	—	—	—	—
Caprolactam, Dust	105-60-2	—	1	—	3	—	—	—
Vapor		5	20	10	40	—	—	—
Captafol (Difolatan ^R)	2425-06-1	—	0.1	—	—	—	—	—
Captan	133-06-2	—	5	—	—	—	—	—
Carbaryl (Sevin ^R)	63-25-2	—	5	—	—	—	—	—
Carbofuran (Furadan ^R)	1563-66-2	—	0.1	—	—	—	—	—
Carbon black	1333-86-4	—	3.5	—	—	—	—	—
Carbon dioxide	124-38-9	10,000	18,000	30,000	54,000	—	—	—
Carbon disulfide	75-15-0	4	12	12	36	—	—	x
Carbon monoxide	630-08-0	35	40	—	—	200	229	—
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2	12.6	—	—	—	—	x
Carbonyl fluoride	353-50-4	2	5	5	15	—	—	—
Catechol (Pyrocatechol)	120-80-9	5	20	—	—	—	—	x
Cellulose, Respirable dust Total dust	9004-34-6	— —	5 15	— —	— —	— —	— —	— —
Cesium hydroxide	21351-79-1	—	2	—	—	—	—	—
Chlordane	57-74-9	—	0.5	—	—	—	—	x
Chlorinated camphene (Toxaphene)	8001-35-2	—	0.5	—	1	—	—	x
Chlorinated diphenyl oxide	55720-99-5 <i>or</i> 31242-93-0	—	0.5	—	—	—	—	—
Chlorine	7782-50-5	0.5	1.5	1	3	—	—	—
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	—	—	—
Chlorine trifluoride	7790-91-2	—	—	—	—	0.1	0.4	—
Chloroacetaldehyde	107-20-0	—	—	—	—	1	3	—
2-Chloroacetophenone (Phenacyl chloride)	532-27-4	0.5	0.3	—	—	—	—	—
Chloroacetyl chloride	79-04-9	0.5	0.2	—	—	—	—	—
Chlorobenzene	108-90-7	75	350	—	—	—	—	—
o-Chlorobenzylidene malononitrile	2698-41-1	—	—	—	—	0.05	0.4	x
Chlorobromomethane	74-97-5	200	1050	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
2-Chloro-1,3-butadiene; see β -Chloroprene								
Chlorodifluoromethane	75-45-6	1000	3500	–	–	–	–	–
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	–	1	–	–	–	–	x
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	–	0.5	–	–	–	–	x
1-Chloro-2,3-epoxy propane; see Epichlorohydrin								
2-Chloroethanol; see Ethylene chlorohydrin								
Chloroethylene; see Vinyl chloride								
Chloroform (Trichloromethane)	67-66-3	2	9.78	–	–	–	–	–
bis (Chloromethyl) ether; see OH Part 350, R 325.35001 to R 325.35011 ^F	542-88-1							
Chloromethyl methyl ether; see OH Part 350, R 325.35001 to R 325.35011 ^F	107-30-2							
1-Chloro-1-nitropropane	600-25-9	4	10	–	–	–	–	–
Chloropentafluoroethane	76-15-3	1000	6320	–	–	–	–	–
Chloropicrin	76-06-2	0.1	0.7	–	–	–	–	–
beta-Chloroprene	126-99-8	10	35	–	–	–	–	x
o-Chlorostyrene	2039-87-4	50	285	75	428	–	–	–
o-Chlorotoluene	95-49-8	50	250	–	–	–	–	–

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
2-Chloro-6-(trichloromethyl) pyridine, Respirable dust	1929-82-4	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Chlorpyrifos	2921-88-2	—	0.2	—	—	—	—	x
Chromic acid and chromates (as Cr+6); see OH Part 315, R 325.50141 to R 325.50143 ^{F, G}	Varies with compound	—	0.005 (5 µg/m ³)	—	—	—	—	—
Chromium (II) compounds (as Cr)	7440-47-3	—	0.5	—	—	—	—	—
Chromium (III) compounds (as Cr)	7440-47-3	—	0.5	—	—	—	—	—
Chromium (VI) compounds; see OH Part 315, R 325.50141 to R 325.50143 ^{F, G}	Varies with compound		(5 µg/m ³)					
Chromium metal (as Cr)	7440-47-3	—	1	—	—	—	—	—
Chrysene; see Coal tar pitch volatile								
Clopidol Respirable dust	2971-90-6	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Coal dust (less than 5% SiO ₂) Respirable dust	—	—	2	—	—	—	—	—
Coal dust (greater than or equal to 5% SiO ₂), Respirable dust	—	—	0.1	—	—	—	—	—
Coal tar pitch volatile (as benzene solubles) anthracene, BaP, phenanthrene, acridine, chrysene, pyrene	65996-93- 2	—	0.2	—	—	—	—	—
Cobalt metal, dust, and fume (as Co)	7440-48-4	—	0.05	—	—	—	—	—
Cobalt carbonyl (as Co)	10210-68- 1	—	0.1	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Cobalt hydrocarbonyl (as Co)	16842-03-8	—	0.1	—	—	—	—	—
Coke oven emissions; see OH Part 314, R 325.50101 to R 325.50136 ^F	—	—	0.15 (150 µg/m ³)	—	—	—	—	—
Copper, Dusts and mists (as Cu) Fume (as Cu)	7440-50-8	— —	1 0.1	— —	— —	— —	— —	— —
Cotton dust (raw)	—	—	1	—	—	—	—	—
Crag herbicide (Sesone) Total dust Respirable fraction	136-78-7	— —	10 5	— —	— —	— —	— —	— —
Cresol, all isomers	1319-77-3	5	22	—	—	—	—	x
Crotonaldehyde	123-73-9 4170-30-3	2	6	—	—	—	—	—
Crufomate	299-86-5	—	5	—	—	—	—	—
Cumene	98-82-8	50	245	—	—	—	—	x
Cyanamide	420-04-2	—	2	—	—	—	—	—
Cyanides (as CN)	Varies with compound	—	5	—	—	—	—	x
Cyanogen	460-19-5	10	20	—	—	—	—	—
Cyanogen chloride	506-77-4	—	—	—	—	0.3	0.6	—
Cyclohexane	110-82-7	300	1050	—	—	—	—	—
Cyclohexanol	108-93-0	50	200	—	—	—	—	x
Cyclohexanone	108-94-1	25	100	—	—	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Cyclohexene	110-83-8	300	1015	—	—	—	—	—
Cyclohexylamine	108-91-8	10	40	—	—	—	—	—
Cyclonite	121-82-4	—	1.5	—	—	—	—	x
Cyclopentadiene	542-92-7	75	200	—	—	—	—	—
Cyclopentane	287-92-3	600	1720	—	—	—	—	—
Cyhexatin	13121-70-5	—	5	—	—	—	—	—
2,4-D (Dichlorophenoxyacetic acid)	94-75-7	—	10	—	—	—	—	—
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	—	—	x
Demeton (Systox ^R)	8065-48-3	—	0.1	—	—	—	—	x
Diacetone alcohol (4-Hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	—	—	—	—	—
1,2-Diaminoethane; Ethylenediamine	see							
Diazinon	333-41-5	—	0.1	—	—	—	—	x
Diazomethane	334-88-3	0.2	0.4	—	—	—	—	—
Diborane	19287-45-7	0.1	0.1	—	—	—	—	—
2-N-Dibutylaminoethanol	102-81-8	2	14	—	—	—	—	—
Dibutyl phosphate	107-66-4	1	5	2	10	—	—	—
Dibutyl phthalate	84-74-2	—	5	—	—	—	—	—
Dichloroacetylene	7572-29-4	—	—	—	—	0.1	0.4	—
o-Dichlorobenzene	95-50-1	—	—	—	—	50	300	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
p-Dichlorobenzene	106-46-7	75	450	110	675	—	—	—
3,3'-Dichlorobenzidine; see OH Part 350, R 325.35001 to R 325.35011 ^F	91-94-1							
Dichlorodifluoromethane	75-71-8	1000	4950	—	—	—	—	—
1,3-Dichloro-5,5-dimethyl hydantoin	118-52-5	—	0.2	—	0.4	—	—	—
Dichlorodiphenyltri-chloroethane (DDT)	50-29-3	—	1	—	—	—	—	x
1,1-Dichloroethane	75-34-3	100	400	—	—	—	—	—
1,2-Dichloroethylene	540-59-0	200	790	—	—	—	—	—
Dichloroethyl ether	111-44-4	5	30	10	60	—	—	x
Dichlorofluoromethane	75-43-4	10	40	—	—	—	—	—
Dichloromethane; see Methylene chloride								
1,1-Dichloro-1-nitroethane	594-72-9	2	10	—	—	—	—	—
1,2-Dichloropropane; see Propylene dichloride								
1,3-Dichloropropene	542-75-6	1	5	—	—	—	—	x
2,2-Dichloropropionic acid	75-99-0	1	6	—	—	—	—	—
Dichlorotetrafluoroethane	76-14-2	1000	7000	—	—	—	—	—
Dichlorvos (DDVP)	62-73-7	—	1	—	—	—	—	x
Dicrotophos	141-66-2	—	0.25	—	—	—	—	x
Dicyclopentadiene	77-73-6	5	30	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Dicyclopentadienyl iron, Respirable dust	102-54-5	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Dieldrin	60-57-1	—	0.25	—	—	—	—	x
Diethanolamine	111-42-2	3	15	—	—	—	—	—
Diethylamine	109-89-7	10	30	25	75	—	—	—
2-Diethylaminoethanol	100-37-8	10	50	—	—	—	—	x
Diethylene triamine	111-40-0	1	4	—	—	—	—	x
Diethyl ether; see Ethyl ether								
Diethyl ketone	96-22-0	200	705	—	—	—	—	—
Diethyl phthalate	84-66-2	—	5	—	—	—	—	—
Diffluorodibromomethane	75-61-6	100	860	—	—	—	—	—
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	—	—	—	—	—
Dihydroxybenzene; see Hydroquinone								
Diisobutyl ketone	108-83-8	25	150	—	—	—	—	—
Diisopropylamine	108-18-9	5	20	—	—	—	—	x
4-Dimethylaminoazobenzene; see OH Part 350, R 325.35001 to R 325.35011 ^F	60-11-7							
Dimethoxymethane; see Methylal								
Dimethyl acetamide	127-19-5	10	35	—	—	—	—	x
Dimethylamine	124-40-3	10	18	—	—	—	—	—
Dimethylaminobenzene; see Xylidine								

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
Dimethylaniline (N,N-Dimethylaniline)	121-69-7	5	25	10	50	—	—	x
Dimethylbenzene; see Xylene								
Dimethyl-1,2-dibromo-2,2-dichloroethyl phosphate	300-76-5	—	3	—	—	—	—	x
Dimethylformamide	68-12-2	10	30	—	—	—	—	x
2,6-Dimethyl-4-heptanone; see Diisobutyl ketone								
1,1-Dimethylhydrazine	57-14-7	0.5	1	—	—	—	—	x
Dimethylphthalate	131-11-3	—	5	—	—	—	—	—
Dimethyl sulfate	77-78-1	0.1	0.5	—	—	—	—	x
Dinitolmide (3,5-Dinitro-o-toluamide)	148-01-6	—	5	—	—	—	—	—
Dinitrobenzene (all isomers) (meta-) (ortho) (para-)	99-65-0 528-29-0 100-25-4	—	1	—	—	—	—	x
Dinitro-o-cresol	534-52-1	—	0.2	—	—	—	—	x
Dinitrotoluene	25321-14-6	—	1.5	—	—	—	—	x
Dioxane (Diethylene dioxide)	123-91-1	25	90	—	—	—	—	x
Dioxathion (Delnav)	78-34-2	—	0.2	—	—	—	—	x
Diphenyl (Biphenyl)	92-52-4	0.2	1	—	—	—	—	—
Diphenylamine	122-39-4	—	10	—	—	—	—	—
Diphenylmethane diisocyanate; see Methylene bisphenyl isocyanate								
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Dipropyl ketone	123-19-3	50	235	—	—	—	—	—
Diquat	2768-72-9	—	0.5	—	—	—	—	—
Di-sec-octyl phthalate [Di(2-ethylhexyl)phthalate]	117-81-7	—	5	—	10	—	—	—
Disulfiram	97-77-8	—	2	—	—	—	—	—
Disulfoton	298-04-4	—	0.1	—	—	—	—	x
2,6-Di-tert-butyl-p-cresol (Butylated hydroxytoluene)	128-37-0	—	10	—	—	—	—	—
Diuron	330-54-1	—	10	—	—	—	—	—
Divinyl benzene	1321-74-0	10	50	—	—	—	—	—
Emery, Respirable dust	1302-74-5	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Endosulfan	115-29-7	—	0.1	—	—	—	—	x
Endrin	72-20-8	—	0.1	—	—	—	—	x
Epichlorohydrin	106-89-8	2	8	—	—	—	—	x
EPN	2104-64-5	—	0.5	—	—	—	—	x
1,2-Epoxypropane; see Propylene oxide								
2,3-Epoxy-1-propanol; see Glycidol								
Ethanethiol; see Ethyl mercaptan								
Ethanolamine	141-43-5	3	8	6	15	—	—	—
Ethion	563-12-2	—	0.4	—	—	—	—	x
2-Ethoxyethanol (EGEE)	110-80-5	200	740	—	—	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	100	540	—	—	—	—	x
Ethyl acetate	141-78-6	400	1400	—	—	—	—	—
Ethyl acrylate	140-88-5	5	20	25	100	—	—	x
Ethyl alcohol (Ethanol)	64-17-5	1000	1900	—	—	—	—	—
Ethylamine	75-04-7	10	18	—	—	—	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25	130	—	—	—	—	—
Ethyl benzene	100-41-4	100	435	125	545	—	—	—
Ethyl bromide	74-96-4	200	890	250	1100	—	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	—	—	—	—	—
Ethyl chloride	75-00-3	1000	2600	—	—	—	—	—
Ethyl ether	60-29-7	400	1200	500	1500	—	—	—
Ethyl formate	109-94-4	100	300	—	—	—	—	—
Ethyl mercaptan	75-08-1	0.5	1	—	—	—	—	—
Ethyl silicate	78-10-4	10	85	—	—	—	—	—
Ethylene chlorohydrin	107-07-3	—	—	—	—	1	3	x
Ethylenediamine	107-15-3	10	25	—	—	—	—	—
Ethylene dibromide	106-93-4	See table G-2						
Ethylene dichloride	107-06-2	1	4	2	8	—	—	—
Ethylene glycol	107-21-1	—	—	—	—	50	125	—
Ethylene glycol dinitrate (EGDN)	628-96-6	—	—	—	0.1	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Ethylene glycol methyl acetate (EGME); see Methyl cellosolve acetate								
Ethyleneimine; see OH Part 350, R 325.35001 to R 325.35011 ^F	151-56-4							
Ethylene oxide; see OH Part 304, R 325.51151 to R 325.51177 ^F	75-21-8	1	1.8	5	9.0	-	-	-
Ethylidene chloride; see 1,1-Dichloroethane								
Ethylidene norbornene	16219-75-3	—	—	—	—	5	25	—
N-Ethylmorpholine	100-74-3	5	23	—	—	—	—	x
Fenamiphos	22224-92-6	—	0.1	—	—	—	—	x
Fensulfothion (Dasanit)	115-90-2	—	0.1	—	—	—	—	—
Fenthion	55-38-9	—	0.2	—	—	—	—	x
Ferbam, Dust	14484-64-1	—	10	—	—	—	—	—
Ferrovandium dust	12604-58-9	—	1	—	3	—	—	—
Fluorides (as F)	Varies with compound	—	2.5	—	—	—	—	—
Fluorine	7782-41-4	0.1	0.2	—	—	—	—	—
Fluorotrichloromethane (Trichlorofluoromethane)	75-69-4	—	—	—	—	1000	5600	—
Fonofos	944-22-9	—	0.1	—	—	—	—	x
Formaldehyde; see OH Part 306, R 325.51451 to R 325.51477 ^F	50-00-0	0.75	0.9	2	2.5			

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
Formamide	75-12-7	20	30	30	45	—	—	—
Formic acid	64-18-6	5	9	—	—	—	—	—
Furfural	98-01-1	2	8	—	—	—	—	x
Furfuryl alcohol	98-00-0	10	40	15	60	—	—	x
Gasoline	8006-61-9	300	900	500	1500	—	—	—
Germanium tetrahydride	7782-65-2	0.2	0.6	—	—	—	—	—
Glutaraldehyde	111-30-8	—	—	—	—	0.2	0.8	—
Glycerin, Respirable mist Total mist	56-81-5	—	5	—	—	—	—	—
		—	10	—	—	—	—	—
Glycidol	556-52-5	25	75	—	—	—	—	—
Glycol monoethyl ether; see 2-Ethoxyethanol								
Grain dust (Oat, wheat, barley)	—	—	10	—	—	—	—	—
Graphite, natural Respirable dust	7782-42-5	—	2.5	—	—	—	—	—
Graphite, synthetic, Respirable dust Total dust	—	—	5	—	—	—	—	—
		—	10	—	—	—	—	—
Guthion ^R ; see Azinphos methyl								
Gypsum, Respirable dust Total dust	13397-24-5	—	5	—	—	—	—	—
		—	15	—	—	—	—	—
Hafnium	7440-58-6	—	0.5	—	—	—	—	—
Heptachlor	76-44-8	—	0.5	—	—	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Heptane (n-Heptane)	142-82-5	400	1600	500	2000	—	—	—
Hexachlorobutadiene	87-68-3	—	0.02	0.24	—	—	—	—
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	—	—	—	—	—
Hexachloroethane	67-72-1	1	10	—	—	—	—	x
Hexachloronaphthalene	1335-87-1	—	0.2	—	—	—	—	x
Hexafluoroacetone	684-16-2	0.1	0.7	—	—	—	—	x
n-Hexane	110-54-3	50	180	—	—	—	—	—
Hexane isomers	Varies with compound	500	1800	1000	3600	—	—	—
2-Hexanone (Methyl n-butyl ketone)	591-78-6	5	20	—	—	—	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	—	—	—
sec-Hexyl acetate	108-84-9	50	300	—	—	—	—	—
Hexylene glycol	107-41-5	—	—	—	—	25	125	—
Hydrazine	302-01-2	0.1	0.1	—	—	—	—	x
Hydrogenated terphenyls	61788-32-7	0.5	5	—	—	—	—	—
Hydrogen bromide	10035-10-6	—	—	—	—	3	10	—
Hydrogen chloride	7647-01-0	—	—	—	—	5	7	—
Hydrogen cyanide	74-90-8	—	—	4.7	5	—	—	x
Hydrogen fluoride (as F)	7664-39-3	3	—	6	—	—	—	—
Hydrogen peroxide	7722-84-1	1	1.4	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	—	—	—	—	—
Hydrogen sulfide	7783-06-4	10	14	15	21	—	—	—
Hydroquinone	123-31-9	—	2	—	—	—	—	—
2-Hydroxypropyl acrylate	999-61-1	0.5	3	—	—	—	—	x
Indene	95-13-6	10	45	—	—	—	—	—
Indium and compounds (as In)	7440-74-6	—	0.1	—	—	—	—	—
Iodine	7553-56-2	—	—	—	—	0.1	1	—
Iodoform	75-47-8	0.6	10	—	—	—	—	—
Iron oxide fume	1309-37-1	—	10	—	—	—	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	—	—	—
Iron salts (soluble) (as Fe)	Varies with compound	—	1	—	—	—	—	—
Isoamyl acetate	123-92-2	100	525	—	—	—	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	—	—	—
Isobutyl acetate	110-19-0	150	700	—	—	—	—	—
Isobutyl alcohol	78-83-1	50	150	—	—	—	—	—
Isooctyl alcohol	26952-21-6	50	270	—	—	—	—	x
Isophorone	78-59-1	4	23	—	—	—	—	—
Isophorone diisocyanate (IPDI)	4098-71-9	0.005	—	0.02	—	—	—	x
2-Isopropoxyethanol	109-59-1	25	105	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Isopropyl acetate	108-21-4	250	950	310	1185	—	—	—
Isopropyl alcohol	67-63-0	400	980	500	1225	—	—	—
Isopropylamine	75-31-0	5	12	10	24	—	—	—
N-Isopropylaniline	768-52-5	2	10	—	—	—	—	x
Isopropyl ether	108-20-3	500	2100	—	—	—	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	—	—	—
Kaolin, Respirable dust Total dust	—	—	5	—	—	—	—	—
		—	10	—	—	—	—	—
Ketene	463-51-4	0.5	0.9	1.5	3	—	—	—
Lead inorganic (as Pb); see OH Part 310, R 325.51901 to R 325.51958 ^F	7439-92-1	—	0.05 (50 µg/m ³)	—	—	—	—	—
Limestone, (calcium carbonate) Respirable dust Total dust	1317-65-3	—	5	—	—	—	—	—
		—	15	—	—	—	—	—
Lindane	58-89-9	—	0.5	—	—	—	—	x
Lithium hydride	7580-67-8	—	0.025	—	—	—	—	—
L.P.G. (Liquified petroleum gas)	68476-85-7	1000	1800	—	—	—	—	—
Magnesite, Respirable dust Total dust	546-93-0	—	5	—	—	—	—	—
		—	15	—	—	—	—	—
Magnesium oxide fume, Total particulate	1309-48-4	—	10	—	—	—	—	—
Malathion dust	121-75-5	—	10	—	—	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Maleic anhydride	108-31-6	1	—	—	—	—	—	—
Manganese, Compounds (as Mn) Fume (as Mn)	7439-96-5	— —	— 1	— —	— 3	— —	5 —	— —
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	—	0.1	—	—	—	—	x
Manganese tetroxide (as Mn)	1317-35-7	—	1	—	—	—	—	—
Marble (calcium carbonate), Respirable dust Total dust	1317-65-3	— —	5 15	— —	— —	— —	— —	— —
Mercury Inorganic and aryl compounds (As Hg) Organic compounds (as Hg) Vapor (as Hg)	7439-97-6	— — —	— 0.01 0.05	— — —	— 0.03 —	— — —	0.1 — —	x x x
Mesityl oxide	141-79-7	15	60	25	100	—	—	—
Methacrylic acid	79-41-4	20	70	—	—	—	—	x
Methanethiol; see Methyl mercaptan								
Methomyl (Lannate)	16752-77-5	—	2.5	—	—	—	—	—
Methoxychlor dust	72-43-5	—	10	—	—	—	—	—
2-Methoxyethanol; see Methyl cellosolve								
4-Methoxyphenol	150-76-5	—	5	—	—	—	—	—
Methyl acetate	79-20-9	200	610	250	760	—	—	—
Methyl acetylene (Propyne)	74-99-7	1000	1650	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Methyl acetylene-propadiene mixture (MAPP)	—	1000	1800	1250	2250	—	—	—
Methyl acrylate	96-33-3	10	35	—	—	—	—	x
Methylacrylonitrile	126-98-7	1	3	—	—	—	—	x
Methylal (Dimethoxymethane)	109-87-5	1000	3100	—	—	—	—	—
Methyl alcohol	67-56-1	200	260	250	325	—	—	x
Methylamine	74-89-5	10	12	—	—	—	—	—
Methyl amyl alcohol; see Methyl isobutyl carbinol								
Methyl n-amyl ketone	110-43-0	100	465	—	—	—	—	—
Methyl bromide	74-83-9	5	20	—	—	—	—	x
Methyl n-butyl ketone; see 2-Hexanone								
Methyl cellosolve (2-Methoxyethanol)	109-86-4	25	80	—	—	—	—	x
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	25	120	—	—	—	—	x
Methyl chloride	74-87-3	50	105	100	210	—	—	—
Methyl chloroform (1,1,1-Trichloroethane)	71-55-6	350	1900	450	2450	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2	8	4	16	—	—	—
Methylcyclohexane	108-87-2	400	1600	—	—	—	—	—
Methylcyclohexanol	25639-42-3	50	235	—	—	—	—	—
o-Methylcyclohexanone	583-60-8	50	230	75	345	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	—	0.2	—	—	—	—	x
Methyl demeton	8022-00-2	—	0.5	—	—	—	—	x
4,4'-Methylene bis(2-chloroaniline) (MBOCA)	101-14-4	0.02	0.22	—	—	—	—	x
Methylene bis(4-cyclohexylisocyanate) (MCBI)	5124-30-1	—	—	—	—	0.01	0.11	—
Methylene bisphenyl isocyanate (MDI)	101-68-8	—	—	—	—	0.02	0.2	—
Methylene chloride, see OH Part 313, R 325.51651 to R 325.51652 ^F	75-09-2	25	87	125	434			
Methylenedianiline (MDA); see OH Part 303, R 325.50051 to R 325.50076 ^F	101-77-9	10 ppb**	0.08 mg/m ³	100 ppb**	0.8 mg/m ³	—	—	—
Methyl ethyl ketone (MEK); see 2-Butanone								
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	—	—	0.7	5	—
Methyl formate	107-31-3	100	250	150	375	—	—	—
Methyl hydrazine	60-34-4	—	—	—	—	0.2	0.35	x
Methyl iodide	74-88-4	2	10	—	—	—	—	x
Methyl isoamyl ketone	110-12-3	50	240	—	—	—	—	—
Methyl isobutyl carbinol	108-11-2	25	100	40	165	—	—	x
Methyl isobutyl ketone; see Hexone								
Methyl isocyanate (MIC)	624-83-9	0.02	0.05	—	—	—	—	x
Methyl isopropyl ketone	563-80-4	200	705	—	—	—	—	—
Methyl mercaptan	74-93-1	0.5	1	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Methyl methacrylate	80-62-6	100	410	—	—	—	—	
Methyl parathion	298-00-0	—	0.2	—	—	—	—	x
Methyl propyl ketone; see 2-Pentanone								
Methyl silicate	681-84-5	1	6	—	—	5	30	—
alpha-Methyl styrene	98-83-9	50	240	100	485	—	—	—
Metribuzin	21087-64-9	—	5	—	—	—	—	—
Mica; see Silicates								
Molybdenum, (as Mo)	7439-98-7							
Insoluble compounds		—	10	—	—	—	—	—
Soluble compounds		—	5	—	—	—	—	—
Monocrotophos (Azodrin ^R)	6923-22-4	—	0.25	—	—	—	—	—
Monomethyl aniline	100-61-8	0.5	2	—	—	—	—	x
Morpholine	110-91-8	20	70	30	105	—	—	x
Naphtha (Coal tar)	8030-30-6	100	400	—	—	—	—	—
Naphthalene	91-20-3	10	50	15	75	—	—	—
alpha-Naphthylamine; see OH Part 350, R 325.35001 to R 325.35011 ^F	134-32-7							
beta-Naphthylamine; see OH Part 350, R 325.35001 to R 325.35011 ^F	91-59-8							
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Nickel, Metal and insoluble compounds (as Ni) Soluble compounds (as Ni)	7440-02-0	—	1	—	—	—	—	—
		—	0.1	—	—	—	—	—
Nicotine	54-11-5	—	0.5	—	—	—	—	x
Nitric acid	7697-37-2	2	5	4	10	—	—	—
Nitric oxide	10102-43-9	25	30	—	—	—	—	—
p-Nitroaniline	100-01-6	—	3	—	—	—	—	x
Nitrobenzene	98-95-3	1	5	—	—	—	—	x
p-Nitrochlorobenzene	100-00-5	—	1	—	—	—	—	x
4-Nitrodiphenyl; see OH Part 350, R 325.35001 to R 325.35011 ^F	92-93-3							
Nitroethane	79-24-3	100	310	—	—	—	—	—
Nitrogen dioxide	10102-44-0	—	—	1	1.8	—	—	—
Nitrogen trifluoride	7783-54-2	10	29	—	—	—	—	—
Nitroglycerin	55-63-0	—	—	—	0.1	—	—	x
Nitromethane	75-52-5	100	250	—	—	—	—	—
1-Nitropropane	108-03-2	25	90	—	—	—	—	—
2-Nitropropane	79-46-9	10	35	—	—	—	—	—
N-Nitrosodimethylamine; see OH Part 350, R 325.35001 to R 325.35011 ^F	62-75-9							

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Nitrotoluene o-isomer m-isomer p-isomer	88-72-2 99-08-1 99-99-0	2	11	—	—	—	—	x
Nitrotrichloromethane; see Chloropicrin								
Nonane	111-84-2	200	1050	—	—	—	—	—
Octachloronaphthalene	2234-13-1	—	0.1	—	0.3	—	—	x
Octane	111-65-9	300	1450	375	1800	—	—	—
Oil mist, mineral	8012-95-1	—	5	—	—	—	—	—
Osmium tetroxide (as Os)	20816-12-0	—	0.002	—	0.006	—	—	—
Oxalic acid	144-62-7	—	1	—	2	—	—	—
Oxygen difluoride	7783-41-7	—	—	—	—	0.05	0.1	—
Ozone	10028-15-6	0.1	0.2	0.3	0.6	—	—	—
Paraffin wax fume	8002-74-2	—	2	—	—	—	—	—
Paraquat, respirable dust	1910-42-5 2074-50-2 4685-14-7	—	0.1	—	—	—	—	x
Parathion	56-38-2	—	0.1	—	—	—	—	x
Particulates not otherwise regulated, Respirable dust Total dust	— — —	— — —	5 15	— — —	— — —	— — —	— — —	— — —
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	—	—	—
Pentachloronaphthalene	1321-64-8	—	0.5	—	—	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Pentachlorophenol	87-86-5	—	0.5	—	—	—	—	x
Pentaerythritol, Respirable dust	115-77-5	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Pentane	109-66-0	600	1800	750	2250	—	—	—
2-Pentanone (Methyl propyl ketone)	107-87-9	200	700	250	875	—	—	—
Perchloroethylene (Tetrachloroethylene)	127-18-4	25	170	—	—	—	—	—
Perchloromethyl mercaptan	594-42-3	0.1	0.8	—	—	—	—	—
Perchloryl fluoride	7616-94-6	3	14	6	28	—	—	—
Perlite Respirable dust	93763-70-3	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Petroleum distillates (Naphtha) (Rubber solvent)		400	1600	—	—	—	—	—
Phenol	108-95-2	5	19	—	—	—	—	x
Phenothiazine	92-84-2	—	5	—	—	—	—	x
p-Phenylenediamine	106-50-3	—	0.1	—	—	—	—	x
Phenyl ether, vapor	101-84-8	1	7	—	—	—	—	—
Phenyl ether-biphenyl mixture, vapor	—	1	7	—	—	—	—	—
Phenylethylene; see Styrene								
Phenyl glycidyl ether (PGE)	122-60-1	1	6	—	—	—	—	—
Phenylhydrazine	100-63-0	5	20	10	45	—	—	x
Phenyl mercaptan	108-98-5	0.5	2	—	—	—	—	—
Phenylphosphine	638-21-1	—	—	—	—	0.05	0.25	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Phorate	298-02-2	—	0.05	—	0.2	—	—	x
Phosdrin (Mevinphos ^R)	7786-34-7	—	0.1	—	0.3	—	—	x
Phosgene (Carbonyl chloride)	75-44-5	0.1	0.4	—	—	—	—	—
Phosphine	7803-51-2	0.3	0.4	1	1	—	—	—
Phosphoric acid	7664-38-2	—	1	—	3	—	—	—
Phosphorus (yellow)	7723-14-0	—	0.1	—	—	—	—	—
Phosphorus oxychloride	10025-87-3	0.1	0.6	—	—	—	—	—
Phosphorus pentachloride	10026-13-8	—	1	—	—	—	—	—
Phosphorus pentasulfide	1314-80-3	—	1	—	3	—	—	—
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3	—	—	—
Phthalic anhydride	85-44-9	1	6	—	—	—	—	—
m-Phthalodinitrile	626-17-5	—	5	—	—	—	—	—
Picloram, Respirable dust	1918-02-1	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Picric acid	88-89-1	—	0.1	—	—	—	—	x
Piperazine dihydrochloride	142-64-3	—	5	—	—	—	—	—
Pindone (2-Pivalyl-1,3-indandione)	83-26-1	—	0.1	—	—	—	—	—
Plaster of Paris (Calcium sulfate), Respirable dust	26499-65-0	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Platinum (as Pt)	7440-06-4	—	1	—	—	—	—	—
Metal Soluble salts		—	0.002	—	—	—	—	—
Portland cement,	65997-15-1	—	5	—	—	—	—	—
Respirable dust		—	10	—	—	—	—	—
Total dust								
Potassium hydroxide	1310-58-3	—	—	—	—	—	2	—
Propane	74-98-6	1000	1800	—	—	—	—	—
Propargyl alcohol	107-19-7	1	2	—	—	—	—	x
beta-Propiolactone; see OH Part 350, R 325.35001 to R 325.35011 ^F	57-57-8							
Propionic acid	79-09-4	10	30	—	—	—	—	—
Propoxur (Baygon)	114-26-1	—	0.5	—	—	—	—	—
n-Propyl acetate	109-60-4	200	840	250	1050	—	—	—
n-Propyl alcohol	71-23-8	200	500	250	625	—	—	—
n-Propyl nitrate	627-13-4	25	105	40	170	—	—	—
Propylene dichloride	78-87-5	75	350	110	510	—	—	—
Propylene glycol dinitrate	6423-43-4	0.05	0.3	—	—	—	—	—
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	—	—	—
Propylene imine	75-55-8	2	5	—	—	—	—	x
Propylene oxide	75-56-9	20	50	—	—	—	—	—
Propyne; see Methyl acetylene								
Pyrethrum	8003-34-7	—	5	—	—	—	—	—
Pyridine	110-86-1	5	15	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Quinone	106-51-4	0.1	0.4	—	—	—	—	—
Resorcinol	108-46-3	10	45	20	90	—	—	—
Rhodium, Insoluble compounds (as Rh)	7440-16-6	—	0.1	—	—	—	—	—
Metal fume (as Rh)		—	0.1	—	—	—	—	—
Soluble compounds (as Rh)		—	0.001	—	—	—	—	—
Ronnel	299-84-3	—	10	—	—	—	—	—
Rosin core solder pyrolysis products, as formaldehyde	—	—	0.1	—	—	—	—	—
Rotenone	83-79-4	—	5	—	—	—	—	—
Rouge, Respirable dust	—	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Selenium compounds (as Se)	7782-49-2	—	0.2	—	—	—	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.4	—	—	—	—	—
Silica, amorphous, precipitated and gel	112926-00-8	—	6	—	—	—	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	6	—	—	—	—	—
Silica, crystalline cristobalite, Respirable dust	14464-46-1	—	0.05	—	—	—	—	—
Silica, crystalline quartz, Respirable dust	14808-60-7	—	0.1	—	—	—	—	—
Silica, crystalline tridymite, Respirable dust	15468-32-3	—	0.05	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
Silica, crystalline tripoli, Respirable dust	1317-95-9	—	0.1	—	—	—	—	—
Silica, fused, Respirable dust	60676-86-0	—	0.1	—	—	—	—	—
Silicates (less than 1% crystalline silica)								
Mica, respirable dust	12001-26-2	—	3	—	—	—	—	—
Soapstone, respirable dust	—	—	3	—	—	—	—	—
Soapstone, total dust	—	—	6	—	—	—	—	—
Talc (containing asbestos); use asbestos limit	—	OH Part 305 “Asbestos for General Industry,” R 325.51311 to R 325.						
Talc (containing no asbestos), respirable dust	14807-96-6	—	2	—	—	—	—	—
Tremolite	—	OH Part 305 “Asbestos for General Industry,” R 325.51311 to R 325.51312						
Silicon, Respirable dust	7440-21-3	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Silicon carbide, Respirable dust	409-21-2	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Silicon tetrahydride	7803-62-5	5	7	—	—	—	—	—
Silver, metal and soluble compounds (as Ag)	7440-22-4	—	0.01	—	—	—	—	—
Soapstone; see Silicates								
Sodium azide (as HN ₃)	26628-22-8	—	—	—	—	0.1	—	x
(as NaN ₃)		—	—	—	—	—	0.3	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		Skin Designation
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Sodium bisulfite	7631-90-5	—	5	—	—	—	—	—
Sodium fluoroacetate	62-74-8	—	0.05	—	0.15	—	—	x
Sodium hydroxide	1310-73-2	—	—	—	—	—	2	—
Sodium metabisulfite	7681-57-4	—	5	—	—	—	—	—
Starch, Respirable dust	9005-25-8	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Stibine	7803-52-3	0.1	0.5	—	—	—	—	—
Stoddard solvent	8052-41-3	100	525	—	—	—	—	—
Strychnine	57-24-9	—	0.15	—	—	—	—	—
Styrene	100-42-5	50	215	100	425	—	—	—
Subtilisins (Proteolytic enzymes)	9014-01-1	—	—	—	0.00006 (60 min.)	—	—	—
Sucrose, Respirable dust	57-50-1	—	5	—	—	—	—	—
Total dust		—	15	—	—	—	—	—
Sulfur dioxide	7446-09-5	2	5	5	10	—	—	—
Sulfur hexafluoride	2551-62-4	1000	6000	—	—	—	—	—
Sulfuric acid	7664-93-9	—	1	—	—	—	—	—
Sulfur monochloride	10025-67-9	—	—	—	—	1	6	—
Sulfur pentafluoride	5714-22-7	—	—	—	—	0.01	0.1	—
Sulfur tetrafluoride	7783-60-0	—	—	—	—	0.1	0.4	—
Sulfuryl fluoride	2699-79-8	5	20	10	40	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Sulprofos	35400-43-2	–	1	–	–	–	–	–
Systox ^R ; see Demeton								
2,4,5-T (2,4,5-trichlorophenoxyacetic acid)	93-76-5	–	10	–	–	–	–	–
Talc; see Silicates								
Tantalum, metal and oxide dust	7440-25-7	–	5	–	–	–	–	–
TEDP (Sulfotep)	3689-24-5	–	0.2	–	–	–	–	x
Tellurium and compounds (as Te)	13494-80-9	–	0.1	–	–	–	–	–
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	–	–	–	–	–
Temephos, Respirable dust	3383-96-8	–	5	–	–	–	–	–
Total dust		–	10	–	–	–	–	–
TEPP	107-49-3	–	0.05	–	–	–	–	x
Terphenyls	26140-60-3	–	–	–	–	0.5	5	–
1,1,1,2-Tetrachloro-2, 2-difluoroethane	76-11-9	500	4170	–	–	–	–	–
1,1,2,2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4170	–	–	–	–	–
1,1,2,2-Tetrachloroethane	79-34-5	1	7	–	–	–	–	x
Tetrachloroethylene; see Perchloroethylene								
Tetrachloromethane; see Carbon tetrachloride								
Tetrachloronaphthalene	1335-88-2	–	2	–	–	–	–	x
Tetraethyl lead (as Pb)	78-00-2	–	0.075	–	–	–	–	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
Tetrahydrofuran	109-99-9	200	590	250	735	—	—	—
Tetramethyl lead (as Pb)	75-74-1	—	0.075	—	—	—	—	x
Tetramethyl succinonitrile	3333-52-6	0.5	3	—	—	—	—	x
Tetranitromethane	509-14-8	1	8	—	—	—	—	—
Tetrasodium pyrophosphate	7722-88-5	—	5	—	—	—	—	—
Tetryl (2,4,6-Trinitrophenylmethylnitramine)	479-45-8	—	1.5	—	—	—	—	x
Thallium, soluble compounds (as Tl)	7440-28-0	—	0.1	—	—	—	—	x
4,4'-Thiobis(6-tert-butyl-m-cresol)	96-69-5	—	5	—	—	—	—	—
Respirable dust		—	10	—	—	—	—	—
Total dust								
Thioglycolic acid	68-11-1	1	4	—	—	—	—	x
Thionyl chloride	7719-09-7	—	—	—	—	1	5	—
Thiram	137-26-8	—	5	—	—	—	—	—
Tin, Inorganic compounds (except oxides)	7440-31-5	—	2	—	—	—	—	—
(as Sn)	7440-31-5	—	0.1	—	—	—	—	x
Organic compounds (as Sn)	21651-19-4	—	2	—	—	—	—	—
Oxides (as Sn)								
Titanium dioxide	13463-67-7	—	10	—	—	—	—	—
Total dust								
Toluene	108-88-3	100	375	150	560	—	—	—
Toluene-2,4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	—	—	—
m-Toluidine	108-44-1	2	9	—	—	—	—	x
o-Toluidine	95-53-4	5	22	—	—	—	—	x

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
p-Toluidine	106-49-0	2	9	–	–	–	–	x
Toxaphene; see Chlorinated camphene								
Tremolite; see Silicates								
Tributyl phosphate	126-73-8	0.2	2.5	–	–	–	–	–
Trichloroacetic acid	76-03-9	1	7	–	–	–	–	–
1,2,4-Trichlorobenzene	120-82-1	–	–	–	–	5	40	–
1,1,1-Trichloroethane; see Methyl chloroform								
1,1,2-Trichloroethane	79-00-5	10	45	–	–	–	–	x
Trichloroethylene	79-01-6	50	270	200	1080	–	–	–
Trichloromethane; see Chloroform								
Trichloronaphthalene	1321-65-9	–	5	–	–	–	–	x
1,2,3-Trichloropropane	96-18-4	10	60	–	–	–	–	–
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	1000	7600	1250	9500	–	–	–
Triethylamine	121-44-8	10	40	15	60	–	–	–
Trifluorobromomethane	75-63-8	1000	6100	–	–	–	–	–
Trimellitic anhydride	552-30-7	0.005	0.04	–	–	–	–	–
Trimethylamine	75-50-3	10	24	15	36	–	–	–
Trimethyl benzene	25551-13-7	25	125	–	–	–	–	–
Trimethyl phosphite	121-45-9	2	10	–	–	–	–	–
2,4,6-Trinitrophenol; see Picric acid								

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
Substance	CAS No. ^A	TWA		STEL ^D		Ceiling		Skin Designation
		ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	
2,4,6-Trinitrophenylmethylnitramine; see Tetryl								
2,4,6-Trinitrotoluene (TNT)	118-96-7	–	0.5	–	–	–	–	x
Triorthocresyl phosphate	78-30-8	–	0.1	–	–	–	–	x
Triphenyl amine	603-34-9	–	5	–	–	–	–	–
Triphenyl phosphate	115-86-6	–	3	–	–	–	–	–
Tungsten								
Insoluble compounds (as W)	7440-33-7	–	5	–	10	–		–
Soluble compounds (as W)		–	1	–	3	–	–	
Turpentine	8006-64-2	100	560	–	–	–	–	–
Uranium (as U)								
Insoluble compounds	7440-61-1	–	0.2	–	0.6	–	–	–
Soluble compounds		–	0.05	–	–	–	–	–
n-Valeraldehyde	110-62-3	50	175	–	–	–	–	–
Vanadium pentoxide								
Fume (as V ₂ O ₅)	1314-62-1	–	0.05	–	–	–	–	–
Respirable dust (as V ₂ O ₅)		–	0.05	–	–	–	–	–
Vegetable oil mists								
Respirable mist	–	–	5	–	–	–	–	–
Total mist		–	15	–	–	–	–	–
Vinyl acetate	108-05-4	10	30	20	60	–	–	–
Vinyl benzene; see Styrene								
Vinyl bromide	593-60-2	5	20	–	–	–	–	–
Vinyl chloride; see OH Part 302, R 325.51401 to R 325.51414 ^F	75-01-4	1	2.5	5	12.8			
Vinyl cyanide; see Acrylonitrile								

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
Vinyl cyclohexene dioxide	106-87-6	10	60	—	—	—	—	x
Vinylidene chloride (1,1-Dichloroethylene)	75-35-4	1	4	—	—	—	—	—
Vinyl toluene	25013-15-4	100	480	—	—	—	—	—
VM & P Naphtha	8032-32-4	300	1350	400	1800	—	—	—
Warfarin	81-81-2	—	0.1	—	—	—	—	—
Welding fumes (Total particulate)*	—	—	5	—	—	—	—	—
Wood dust, all soft and hard woods (except Western red cedar)	—	—	5	—	10	—	—	—
Wood dust, Western red cedar	—	—	2.5	—	—	—	—	—
Xylene (o-,m-,p-isomers) (Dimethyl benzene)	1330-20-7	100	435	150	655	—	—	—
m-Xylene-alpha, alpha'-diamine	1477-55-0	—	—	—	—	—	0.1	x
Xylidine	1300-73-8	2	10	—	—	—	—	x
Yttrium	7440-65-5	—	1	—	—	—	—	—
Zinc chloride fume	7646-85-7	—	1	—	2	—	—	—
Zinc chromates (as Cr+6); see OH Part 315, R 325.50141 to R 325.50143 ^{F, G}	Varies with compound	—	0.005 (5 µg/m ³)	—	—	—	—	—
Zinc oxide fume	1314-13-2	—	5	—	10	—	—	—
Zinc oxide, Respirable dust	1314-13-2	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Zinc stearate Respirable dust	557-05-1	—	5	—	—	—	—	—
Total dust		—	10	—	—	—	—	—

TABLE G-1-A. EXPOSURE LIMITS FOR AIR CONTAMINANTS								
		TWA		STEL ^D		Ceiling		
Substance	CAS No. ^A	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	ppm ^B	mg/m ^{3C}	Skin Designation
Zirconium compounds (as Zr)	7440-67-7	—	5	—	10	—	—	—

TABLE G-2. EXPOSURE LIMITS FOR AIR CONTAMINATES					
Substance		8-hour, time-weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour workshift.	
				Concentration	Maximum duration
S	Benzene ^{E,F}	10 ppm	25 ppm	50 ppm	10 minutes
	Beryllium and beryllium compounds	2 µg/m ³	5 µg/m ³	25 µg/m ³	30 minutes
S	Ethylene dibromide	20 ppm	30 ppm	50 ppm	5 minutes
Note: S above signifies that skin contact shall not be allowed.					

*	As determined from breathing-zone air samples.
**	Parts per billion.
A	The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than 1 metal compound measured as the metal, the CAS number for the metal is given - not the CAS number for the individual compounds.
B	Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 torr.
C	Approximate milligrams of substance per cubic meter of air.
D	Duration is for 15 minutes, unless otherwise noted.
E	The final benzene standard in OH Part 311, R 325.77101 to R 325.77115 applies to all occupational exposures to benzene, except some subsegments of industry where exposures are consistently under the action level. These subsegments include the distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures. For the excepted subsegments, the benzene limits in table G-2 apply.
F	Caution--this rule contains extensive requirements for exposure to these substances.

G	If the exposure limit in §1910.1026 (adopted by reference in OH Part 315, R 325.50141 to R 325.50143) is stayed or is otherwise not in effect, the exposure limit is a ceiling of 0.1 mg/m ³ .
---	---

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on March 13, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030)

R 325.60151, R 325.60154, R 325.60155, R 325.60156, R 325.60157, R 325.60158, R 325.60159, R 325.60160 and R 325.60161 of the Michigan Administrative Code are amended and R 325.60151a is added to the Michigan Administrative Code as follows:

PART 601. AIR CONTAMINANTS FOR CONSTRUCTION

R 325.60151 Construction air contaminants; scope; applicability; replacement of O.H. rules.

Rule 1. (1) An employer shall ensure that employee exposures to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists, as listed in R 325.60154 to R 325.60161, are avoided.

(2) To achieve compliance with subrule (1) of this rule, an employer shall ensure that administrative or engineering controls are implemented whenever feasible. If administrative or engineering controls are not feasible to achieve full compliance, then protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this rule. Any equipment and technical measures used for this purpose shall first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Respirators shall be used in a manner that is in compliance with occupational health standard part 451 "Respiratory Protection," R 325.60051 to R 325.60052.

(3) Occupational health standard part 302 "Vinyl Chloride," R 325.51401 to R 325.51414, applies to the exposure of every employee to vinyl chloride in every employment and place of employment covered by these rules in place of any different standard on exposure to vinyl chloride that would otherwise be applicable by virtue of subrule (1) of this rule.

(4) The "Threshold Limit Values (TLV) of the American Conference of Governmental Industrial Hygienists (A.C.G.I.H.) for 1970" appear in R 325.60153 to R 325.60161. The Threshold Limit Values identified in these rules as Maximum Allowable Concentrations (MAC) are specified in the rules that follow.

(5) These rules do not apply to the following types of employment:

- (a) Agriculture.
- (b) Domestic.
- (c) Mining.
- (d) General industry work.

Exposure to air contaminants in general industry work is covered by occupational health standard part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(6) These rules replace O.H. rule 6201.

R 325.60151a Availability of referenced standards.

Rule 1a. The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Occupational health standard part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(b) Occupational health standard part 302 “Vinyl Chloride,” R 325.51401 to R 325.51414.

(c) Occupational health standard part 303 “Methylenedianiline,” R 325.50051 to R 325.50076.

(d) Occupational health standard part 304 “Ethylene oxide,” R 325.51151 to R 325.51177.

(e) Occupational health standard part 306 “Formaldehyde,” R 325.51451 to R 325.51477.

(f) Occupational health standard part 307 “Acrylonitrile,” R 325.51501 to R 325.51527.

(g) Occupational health standard part 308 “Inorganic Arsenic,” R 325.51601 to R 325.51628.

(h) Occupational health standard part 309 “Cadmium,” R 325.51851 to R 325.51886.

(i) Occupational health standard part 311 “Benzene,” R 325.77101 to R 325.77115.

(j) Occupational health standard part 312 “1,3-Butadiene,” R 325.50091 to R 325.50092.

(k) Occupational health standard part 313 “Methylene Chloride,” R 325.51651 to R 325.51652.

(l) Occupational health standard part 314 “Coke Oven Emissions,” R 325.50101 to R 325.50136.

(m) Occupational health standard part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

(n) Occupational health standard part 602 “Asbestos Standards for Construction,” R 325.51301 to R 325.51302.

(o) Occupational health standard part 603 “Lead Exposure in Construction,” R 325.51991 to R 325.51992.

(p) Occupational health standard part 604 “Chromium (VI) in Construction,” R 325.51995 to R 325.51997.

R 325.60154 Maximum allowable concentrations.

Rule 4. (1) Maximum allowable concentrations of air contaminants based on a repeated 8-hour work day exposure are listed in tables 1 to 7 in R 325.60155 to R 325.60161.

(2) A substance in tables 1 to 6 that is preceded by the letter A, C, ~~or~~ S, or STEL is an especially hazardous contaminant and all the following precautions shall be taken:

(a) If the substance is preceded by the letter “A”, then an employer shall ensure that an employee or any part of an employee’s anatomy is not exposed to, or allowed to come in contact with, the substance by means of any respiratory, oral, or skin route.

(b) If the substance is preceded by the letter “C”, then its MAC means the highest concentration at which an employer may allow a person to be exposed at any time unless noted otherwise. This concentration is commonly referred to as a “ceiling.”

(c) If the substance is preceded by the letter "S", then an employer shall ensure that precautions are taken to prevent skin absorption.

(d) If the substance is preceded by "STEL", then it means the STEL listed. For example, an employee's 15-minute, time-weighted average exposure, shall not be exceeded at any time during a work day. The STEL is commonly referred to as the "short-term exposure limit."

R 325.60155 Maximum allowable concentrations for substances; A and B.

Rule 5. Table 1. Substances A and B

	Substance	MAC/Ceiling/STEL	
		ppm	mg/m ³
	Abate	---	15
	Acetaldehyde	200	360
	Acetic acid	10	25
	Acetic anhydride	5	20
	Acetone	1,000	2,400
	Acetonitrile	40	70
	Acetylene	Inert gas	
	Acetylene dichloride, see 1,2-Dichloroethylene		
	Acetylene tetrabromide	1	14
	Acrolein	0.1	0.25
S	Acrylamide	---	0.3
S	Acrylonitrile, see OH Part 307, R 325.51501 to R 325.51527*		
S	Aldrin	---	0.25
S	Allyl alcohol	2	5
	Allyl chloride	1	3
C	Allyl glycidyl ether (AGE)	10	45
	Allyl propyl disulfide	2	12
	Alundum (Al ₂ O ₃)	Inert dust	
	2-Aminoethanol, see Ethanolamine		
	2-Aminopyridine	0.5	2
	Ammonia	50	35
	Ammonium sulfamate (amate)	---	15
	n-Amyl acetate	100	525
	sec-Amyl acetate	125	650
S	Aniline	5	19
S	Anisidine (o,p-isomers)	---	0.5
	Antimony & compounds (as Sb)	---	0.5

	ANTU (alpha naphthyl thiourea)	---	0.3
	Argon	Inert gas	
	Arsenic, inorganic compounds, see OH Part 308, R 325.51601 to R 325.51628*		
	Arsenic, organic compounds (as As)	---	0.5
	Arsine	0.05	0.2
S	Azinphos-methyl	---	0.2
	Barium (soluble compounds)	---	0.5
	Benzene (benzol), see OH Part 311, R 325.77101 to R 325.77115*		
A,S	Benzidine	---	---
	p-Benzoquinone, see Quinone		
	Benzoyl peroxide	---	5
	Benzyl chloride	1	5
	Beryllium	---	0.002
	Biphenyl, see Diphenyl		
	Bisphenol A, see Diglycidyl ether		
	Boron oxide	---	15
	Boron tribromide	1	10
C	Boron trifluoride	1	3
	Bromine	0.1	0.7
	Bromine pentafluoride	0.1	0.7
S	Bromoform	0.5	5
	Butadiene (1,3-butadiene), see OH Part 312, R 325.50091 to R 325.50092*		
	Butanethiol, see Butyl mercaptan		
	2-Butanone	200	590
S	2-Butoxy ethanol (butyl cellosolve)	50	240
	Butyl acetate (n-butyl acetate)	150	710
	sec-Butyl acetate	200	950
	tert-Butyl acetate	200	950
	Butyl alcohol	100	300
	sec-Butyl alcohol	150	450
	tert-Butyl alcohol	100	300
S,C	Butylamine	5	15
	tert-Butyl chromate (as Cr+6), See OH Part 604, R 325.51995 to R 325.51997*, **	---	---
	n-Butyl glycidyl ether (BGE)	50	270
	Butyl mercaptan	0.5	1.5
	p-tert-Butyltoluene	10	60

A --- See R 325.60154(2)(a).

C --- See R 325.60154(2)(b).

S --- See R 325.60154(2)(c).

* Caution--these rules contain extensive requirements for exposure to these substances.

** If the exposure limit in 29 C.F.R. §1926.1126 (adopted by reference in OH Part 604, R 325.51995 to R 325.51997) is stayed or is otherwise not in effect, the exposure limit is a ceiling of 0.1 mg/m³ and has an "S" notation.

R 325.60156 Maximum allowable concentrations for substances; C and D.

Rule 6. Table 2. Substances C and D

TABLE 2			
Substance		MAC/Ceiling/STEL	
		ppm	mg/m ³
	Cadmium and cadmium compounds, see OH Part 309, R 325.51851 to R 325.51886*		
	Calcium arsenate	---	1
	Calcium carbonate	Inert dust	
	Calcium oxide	---	5
	Camphor (synthetic)	2	---
	Carbaryl (Sevin®)	---	5
	Carbon black	---	3.5
	Carbon dioxide	5,000	9,000
S	Carbon disulfide	20	60
	Carbon monoxide	50	55
S,C	Carbon tetrachloride	10	65
	Cellulose (paper fiber)	Inert dust	
S	Chlordane	---	0.5
S	Chlorinated camphene	---	0.5
	Chlorinated diphenyl oxide	---	0.5
	Chlorine	1	3
	Chlorine dioxide	0.1	0.3
C	Chlorine trifluoride	0.1	0.4
C	Chloroacetaldehyde	1	3
	alpha-Chloroacetophenone (phenacylchloride)	0.05	0.3
	Chlorobenzene (monochlorobenzene)	75	350
	o-Chlorobenzylidene malononitrile (OCBM)	0.05	0.4
	Chlorobromomethane	200	1,050
	2-Chloro-1,3-butadiene, see Chloroprene		
S	Chlorodiphenyl (42% Chlorine)	---	1
S	Chlorodiphenyl (54% Chlorine)	---	0.5
	1-Chloro-2,3-epoxypropane, see Epichlorohydrin		
	2-Chloroethanol, see Ethylene chlorohydrin		
	Chloroethylene, see Vinyl chloride		
C	Chloroform (trichloromethane)	50	240
	1-Chloro-1-nitropropane	20	100
	Chloropicrin	0.1	0.7
S	Chloroprene (2-chloro-1,3-butadiene)	25	90

	Chromic acid and chromates (as Cr+6) see OH Part 604, R 325.51995 to R 325.51997*, ***	---	---
	Chromium (VI) compounds, see OH Part 604, R 325.51995 to R 325.51997*, ***		
	Chromium, sol. chromic & chromous salts (as Cr) Metal & insol. Salts	--- ---	0.5 1
	Coal tar pitch volatiles (benzene soluble fraction: anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	---	0.2
	Cobalt, metal fume & dust	---	0.1
	Coke oven emissions, see OH Part 314, R 325.50101 to R 325.50136*		
	Copper fume Dusts and mists	--- ---	0.1 1
	Corundum (Al ₂ O ₃)	Inert dust	
	Cotton dust (raw)	---	1
	Crag® herbicide	---	15
S	Cresol (all isomers)	5	22
	Crotonaldehyde	2	6
S	Cumene	50	245
S	Cyanide (as CN)	---	5
	Cyanogen	10	---
	Cyclohexane	300	1,050
	Cyclohexanol	50	200
	Cyclohexanone	50	200
	Cyclohexene	300	1,015
	Cyclopentadiene	75	200
	2,4-D	---	10
S	DDT (Dichlorodiphenyl-trichloroethane)	---	1
	DDVP, see Dichlorvos		
S	Decaborane	0.05	0.3
S	Demeton®	---	0.1
	Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
	1,2-Diainoethane, see Ethylenediamine		
	Diazomethane	0.2	0.4
	Diborane	0.1	0.1
S,C	1,2-Dibromoethane (ethylene dibromide)	25	190
	Dibutyl phosphate	1	5
	Dibutyl phthalate	---	5
C	Dichloroacetylene	0.1	0.4
C	o-Dichlorobenzene	50	300
	p-Dichlorobenzene	75	450
	Dichlorodifluoromethane	1,000	4,950

	1,3-Dichloro-5,5-dimethyl hydantoin	---	0.2
	1,1-Dichloroethane	100	400
	1,2-Dichloroethane	50	200
	1,2-Dichloroethylene	200	790
S,C	Dichloroethyl ether	15	90
	Dichloromethane, see Methylene chloride		
	Dichloromonofluoromethane	1,000	4,200
C	1,1-Dichloro-1-nitroethane	10	60
	1,2-Dichloropropane, see Propylene dichloride		
	Dichlorotetrafluoroethane	1,000	7,000
S	Dichlorvos (DDVP)	---	1
S	Dieldrin	---	0.25
	Diethylamine	25	75
S	Diethylamino, ethanol	10	50
S,C	Diethylene triamine	10	42
	Diethyl ether, see Ethyl ether		
	Difluorodibromomethane	100	860
C	Diglycidyl ether (DGE)	0.5	2.8
	Dihydroxybenzene, see Hydroquinone		
	Diisobutyl ketone	50	290
S	Diisopropylamine	5	20
	Dimethoxymethane, see Methylal		
S	Dimethyl acetamide	10	35
	Dimethylamine	10	18
	Dimethylaminobenzene, see Xylidene		
S	Dimethylaniline (N-dimethylaniline)	5	25
	Dimethylbenzene, see Xylene		
	Dimethyl-1,2-dibromo-2,2-dichloroethylphosphate (Dibrom®)	---	3
S	Dimethylformamide	10	30
	2,6-Dimethylheptanone, see Diisobutyl ketone		
S	1,1-Dimethylhydrazine	0.5	1
	Dimethylphthalate	---	5
S	Dimethylsulfate	1	5
S	Dinitrobenzene (all isomers)	---	1
S	Dinitro-o-cresol	---	0.2
S	Dinitrotoluene	---	1.5
S	Dioxane (diethylene dioxide)	100	360
	Diphenyl	0.2	1
	Diphenyl amine	---	10
	Diphenylmethane diisocyanate, see Methylene bisphenyl isocyanate (MDI)		
S	Dipropylene glycol methyl ether	100	600

	Di-sec, octyl phthalate (di-2-ethylhexylphthalate)	---	5
--	--	-----	---

A --- See R 325.60154(2)(a).

C --- See R 325.60154(2)(b).

S --- See R 325.60154(2)(c).

* Caution--these rules contain extensive requirements for exposure to these substances.

*** If the exposure limit in 29 C.F.R. §1926.1126 (adopted by reference in OH Part 604, R 325.51995 to R 325.51997) is stayed or is otherwise not in effect, the exposure limit is 0.1 mg/m³ for chromic acid and chromates (Cr+6) as an 8-hour TWA.

R 325.60157 Maximum allowable concentrations for substances; E to H.

Rule 7. Table 3. Substances E to H

TABLE 3			
	Substance	MAC/Ceiling/STEL	
		ppm	mg/m ³
	Emery	Inert dust	
S	Endosulfan (Thiodan®)	---	0.1
S	Endrin	---	0.1
S	Epichlorohydrin	5	19
S	EPN	---	0.5
	1,2-Epoxypropane, see Propylene oxide		
	2,3-Epoxy-1-propanol, see Glycidol		
	Ethane	Inert gas	
	Ethanethiol, see Ethyl mercaptan		
	Ethanolamine	3	6
S	2-Ethoxyethanol	200	740
S	2-Ethoxyethylacetate (cellosolve acetate)	100	540
	Ethyl acetate	400	1,400
S	Ethyl acrylate	25	100
	Ethyl alcohol (ethanol)	1,000	1,900
	Ethylamine	10	18
	Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
	Ethyl benzene	100	435
	Ethyl bromide	200	890
	Ethyl butyl ketone (3-heptanone)	50	230
	Ethyl chloride	1,000	2,600
	Ethyl ether	400	1,200
	Ethyl formate	100	300
	Ethyl mercaptan	0.5	1
	Ethyl silicate	100	850
	Ethylene	Inert gas	
S	Ethylene chlorohydrin	5	16
	Ethylenediamine	10	25

	Ethylene dibromide, see 1,2-Dibromoethane		
	Ethylene dichloride, see 1,2-Dichloroethane		
S,C	Ethylene glycol dinitrate and/or Nitroglycerin	0.2	
	Ethylene glycol monomethyl ether acetate, see Methyl cellosolve acetate		
S	Ethyleneimine	0.5	1
	Ethylene oxide, see OH Part 304, R 325.51151 to R 325.51177*		
	Ethylidene chloride, see 1,1-Dichloroethane		
S	N-Ethylmorpholine	20	94
	Ferbam	---	15
	Ferrovandium dust	---	1
	Fibrous glass	Inert dust	
	Fluoride (as F)	---	2.5
	Fluorine	0.1	0.2
	Fluorotrichloromethane	1,000	5,600
€	Formaldehyde, see OH Part 306, R 325.51451 to R 325.51477*		
	Formic acid	5	9
S	Furfural	5	20
	Furfuryl alcohol	50	200
	Gasoline (limits will be based on aromatic hydrocarbons in mixture)		
	Glycerine mist	Inert mist	
	Glycidol (2,3-epoxy-1-propanol)	50	150
	Glycol monoethyl ether, see 2-Ethoxyethanol		
	Graphite (synthetic)	Inert dust	
	Guthion®, see Azinphos-methyl		
	Gypsum	Inert dust	
	Hafnium	---	0.5
	Helium	Inert gas	
S	Heptachlor	---	0.5
	Heptane (n-heptane)	500	2,000
S	Hexachloroethane	1	10
S	Hexachloronaphthalene	---	0.2
	Hexane (n-hexane)	500	1,800
	2-Hexanone	100	410
	Hexone (methyl isobutyl ketone)	100	410
	sec-Hexyl acetate	50	300
S	Hydrazine	1	1.3
	Hydrogen	Inert gas	
	Hydrogen bromide	3	10
C	Hydrogen chloride	5	7
S	Hydrogen cyanide	10	11
	Hydrogen fluoride	3	2

	Hydrogen peroxide	1	1.4
	Hydrogen selenide	0.05	0.2
	Hydrogen sulfide	10	15
	Hydroquinone	---	2

A --- See R 325.60154(2)(a).

C --- See R 325.60154(2)(b).

S --- See R 325.60154(2)(c).

* Caution--these rules contain extensive requirements for exposure to these substances.

R 325.60158 Maximum allowable concentrations for substances; I to M.

Rule 8. Table 4. Substances I to M

TABLE 4			
	Substance	MAC/Ceiling/STEL	
		ppm	mg/m ³
	Indene	10	45
	Indium and compounds (as In)	---	0.1
C	Iodine	0.1	1
	Iron oxide fume	---	10
	Iron salts, soluble (as Fe)	---	1
	Isoamyl acetate	100	525
	Isoamyl alcohol	100	360
	Isobutyl acetate	150	700
	Isobutyl alcohol	100	300
	Isophorone	25	140
	Isopropyl acetate	250	950
	Isopropyl alcohol	400	980
	Isopropylamine	5	12
	Isopropyl ether	500	2,100
	Isopropyl glycidyl ether (IGE)	50	240
	Kaolin	Inert dust	
	Ketene	0.5	0.9
	Lead and lead compounds, see OH Part 603, R 325.51991 to R 325.51992*		
	Limestone	Inert dust	
S	Lindane	---	0.5
	Lithium hydride	---	0.025
	L.P.G. (liquified petroleum gas)	1,000	1,800
	Magnesite	Inert dust	
	Magnesium oxide fume	15	
S	Malathion	---	15
	Maleic anhydride	0.25	1
C	Manganese and compounds (as Mn)	---	5
	Marble	Inert dust	

S	Mercury	---	0.1
S	Mercury (organic compounds)	---	0.01
	Mesityl oxide	25	100
	Methane	Inert gas	
	Methanethiol, see Methyl mercaptan		
	Methoxychlor	---	15
	2-Methoxyethanol, see Methyl cellosolve		
	Methyl acetate	200	610
	Methyl acetylene (propyne)	1,000	1,650
	Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
S	Methyl acrylate	10	35
	Methylal (dimethoxymethane)	1,000	3,100
	Methyl alcohol (methanol)	200	260
	Methylamine	10	12
	Methyl amyl alcohol, see Methyl isobutyl carbinol		
	Methyl (n-amyl) ketone (2-heptanone)	100	465
S,C	Methyl bromide	20	80
	Methyl butyl ketone, see 2-Hexanone		
S	Methyl cellosolve	25	80
S	Methyl cellosolve acetate	25	120
C	Methyl chloride	100	210
	Methyl chloroform	350	1,900
	Methylcyclohexane	500	2,000
	Methylcyclohexanol	100	470
S	o-Methylcyclohexanone	100	460
	Methylenedianiline (MDA), see OH Part 303, R 325.50051 to R 325.50076*		
	Methyl ethyl ketone (MEK), see 2-Butanone		
	Methyl formate	100	250
S	Methyl iodide	5	28
	Methyl isoamyl ketone	100	475
S	Methyl isobutyl carbinol	25	100
	Methyl isobutyl ketone, see Hexone		
S	Methyl isocyanate	0.02	0.05
	Methyl mercaptan	0.5	1
	Methyl methacrylate	100	410
	Methyl propyl ketone, see 2-Pentanone		
C	Methyl silicate	5	30
C	alpha-Methyl styrene	100	480
C	Methylene bisphenyl isocyanate (MDI)	0.02	0.2
	Methylene chloride (dichloromethane), see OH Part 313, R 325.51651 to R 325.51652*		

	Molybdenum (soluble compounds) (insoluble compounds)	--- ---	5 15
S	Monomethyl aniline	2	9
S,C	Monomethyl hydrazine	0.2	0.35
S	Morpholine	20	70

A --- See R 325.60154(2)(a).

C --- See R 325.60154(2)(b).

S --- See R 325.60154(2)(c).

STEL --- See R 325.60154(d).

* Caution--these rules contain extensive requirements for exposure to these substances.

R 325.60159 Maximum allowable concentrations for substances; N to P.

Rule 9. Table 5. Substances N to P

TABLE 5			
	Substance	MAC/Ceiling/STEL	
		ppm	mg/m ³
	Naphtha (coal tar)	100	400
	Naphtha (petroleum) (MAC will be based on aromatic hydrocarbons in mixture)		
	Naphthalene	10	50
A	beta-Naphthylamine	---	
	Neon	Inert gas	
	Nickel carbonyl	0.001	0.007
	Nickel, metal and soluble compounds (as Ni)	---	1
S	Nicotine	---	0.5
	Nitric acid	2	5
	Nitric oxide	25	30
S	p-Nitroaniline	1	6
S	Nitrobenzene	1	5
S	p-Nitrochlorobenzene	---	1
	Nitroethane	100	310
	Nitrogen	Inert gas	
	Nitrogen dioxide	5	9
	Nitrogen trifluoride	10	29
S	Nitroglycerin	0.2	2
	Nitromethane	100	250
	1-Nitropropane	25	90
	2-Nitropropane	25	90
S,A	N-Nitrosodimethylamine (dimethylnitrosomine)	---	
S	Nitrotoluene	5	30
	Nitrotrichloromethane, see Chloropicrin		
	Nitrous oxide	Inert gas	

S	Octachloronaphthalene	---	0.1
	Octane	400	1,900
	Oil mist, particulate	---	5
	Oil mist, vapor (MAC will be based on aromatic hydrocarbons in mixture)		
	Osmium tetroxide	---	0.002
	Oxalic acid	---	1
	Oxygen difluoride	0.05	0.1
	Ozone	0.1	0.2
S	Paraquat	---	0.5
S	Parathion	---	0.1
	Pentaborane	0.005	0.01
S	Pentachloronaphthalene	---	0.5
S	Pentachlorophenol	---	0.5
	Pentaerythritol	Inert particulate	
	Pentane	500	1,500
	2-Pentanone	200	700
	Perchloroethylene	100	670
	Perchloromethyl mercaptan	0.1	0.8
	Perchloryl fluoride	3	13.5
	Petroleum distillates (naphtha) (MAC will be based on aromatic hydrocarbons in mixture)		
S	Phenol	5	19
S	p-Phenylene diamine	---	0.1
	Phenyl ether (vapor)	1	7
	Phenyl ether-biphenyl mixture (vapor)	1	7
	Phenylethylene, see Styrene		
	Phenyl glycidyl ether (PGE)	10	60
S	Phenylhydrazine	5	22
S	Phosdrin (Mevinphos®)	---	0.1
	Phosgene (carbonyl chloride)	0.1	0.4
	Phosphine	0.3	0.4
	Phosphoric acid	---	1
	Phosphorus (yellow)	---	0.1
	Phosphorus pentachloride	---	1
	Phosphorus pentasulfide	---	1
	Phosphorus trichloride	0.5	3
	Phthalic anhydride	2	12
S	Picric acid	---	0.1
	Pival® (2-pivalyl-1,3-indandione)	---	0.1
	Plaster of Paris	Inert dust	
	Platinum, soluble salts (as Pt)	---	0.002
	Polytetrafluoroethylene decomposition products, see Teflon® decomposition products		

	Propane	Inert gas	
S	Propargyl alcohol	1	---
A	beta-Propiolactone	---	
	n-Propyl acetate	200	840
	Propyl alcohol	200	500
	n-Propyl nitrate	25	110
	Propylene bichloride	75	350
S	Propylene imine	2	5
	Propylene oxide	100	240
	Propyne, see Methyl acetylene		
	Pyrethrum	---	5
	Pyridine	5	15

A --- See R 325.60154(2)(a).

C --- See R 325.60154(2)(b).

S --- See R 325.60154(2)(c).

R 325.60160 Maximum allowable concentrations for substances; Q to Z.

Rule 10. Table 6. Substances Q to Z

TABLE 6			
Substance		MAC/Ceiling/STEL	
		ppm	mg/m ³
	Quinone	0.1	0.4
S	RDX	---	1.5
	Rhodium, metal fume, dusts, and insoluble compounds (as Rh)	---	0.1
	Rhodium, soluble compounds (as Rh)	---	0.001
	Ronnel	---	10
	Rotenone (commercial)	---	5
	Rouge	Inert dust	
	Selenium compounds (as Se)	---	0.2
	Selenium hexafluoride	0.05	0.4
	Silicon carbide	Inert dust	
	Silver, metal and soluble compounds	---	0.01
S	Sodium fluoroacetate (1080)	---	0.05
	Sodium hydroxide	---	2
	Starch	Inert dust	
	Stibine	0.1	0.5
	Stoddard solvent	200	1,150
	Strychnine	---	0.15
C	Styrene monomer (phenylethylene)	100	420
	Sucrose	Inert dust	
	Sulfur dioxide	5	13

	Sulfur hexafluoride	1,000	6,000
	Sulfuric acid	---	1
	Sulfur monochloride	1	6
	Sulfur pentafluoride	0.025	0.25
	Sulfuryl fluoride	5	20
	Systox, see Demeton®		
	2,4,5T	---	10
	Tantalum	---	5
S	TEDP	---	0.2
	Teflon® decomposition products (maintain minimal air concentration)		
	Tellurium	---	0.1
	Tellurium hexafluoride	0.02	0.2
S	TEPP	---	0.05
C	Terphenyls	1	9
	1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
	1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
S	1,1,2,2-Tetrachloroethane	5	35
	Tetrachloroethylene, see Perchloroethylene		
	Tetrachloromethane, see Carbon tetrachloride		
S	Tetrachloronaphthalene	---	2
S	Tetraethyl lead (as Pb)	---	0.075 ^a
	Tetrahydrofuran	200	590
S	Tetramethyl lead (TML) (as Pb)	---	0.150
S	Tetramethyl succinonitrile	0.5	3
	Tetranitromethane	1	8
S	Tetryl (2,4,6-trinitrophenylmethyl-nitramine)	---	1.5
S	Thallium, soluble compounds (as Tl)	---	0.1
	Thiram	---	5
	Tin (inorganic compounds, except SnH ₄ and SnO ₂) (organic compounds)	--- ---	2 0.1
	Tin oxide	Inert particulate	
	Titanium dioxide	Inert particulate	
	Toluene (toluol)	200	750
C	Toluene-2,4-diisocyanate	0.02	0.14
S	o-Toluidine	5	22
	Toxaphene, see Chlorinated camphene		
	Tributyl phosphate	---	5
	1,1,1-Trichloroethane, see Methyl chloroform		
S	1,1,2-Trichloroethane	10	45
	Trichloroethylene	100	535
	Trichloromethane, see Chloroform		

S	Trichloronaphthalene	---	5
	1,2,3-Trichloropropane	50	300
	1,1,2-Trichloro-1,2,2-trifluoroethane	1,000	7,600
	Triethylamine	25	100
	Trifluoromonobromomethane	1,000	6,100
	Trimethyl benzene	25	120
	2,4,6-Trinitrophenol, see Picric acid		
	2,4,6-Trinitrophenylmethyl nitramine, see Tetryl		
S	Trinitrotoluene	---	1.5
	Triorthocresyl phosphate	---	0.1
	Triphenyl phosphate	---	3
	Tungsten and compounds (as W)	---	5
	Insoluble	---	1
	Soluble	---	1
	Turpentine	100	560
	Uranium (natural) soluble & insoluble compounds (as U)	---	0.2
C	Vanadium (V ₂ O ₅ dust) (V ₂ O ₅ fume)	---	0.5 0.1
	Vinyl benzene, see Styrene		
C	Vinyl chloride, see OH Part 302, R 325.51401 to R 325.51414*		
	Vinyl cyanide, see Acrylonitrile		
	Vinyl toluene	100	480
	Warfarin	---	0.1
	Xylene (xylol)	100	435
S	Xylidine	5	25
	Yttrium	---	1
	Zinc chloride fume	---	1
	Zinc oxide fume	---	5
	Zirconium compounds (as Zr)	---	5

A --- See R 325.60154(2)(a).

C --- See R 325.60154(2)(b).

S --- See R 325.60154(2)(c).

STEL --- See R 325.60154(2)(d)

^a The 1970 ACGIH standard for Tetraethyl lead is 0.100 mg/m³.

* Caution--these rules contain extensive requirements for exposure to these substances.

R 325.60161 Maximum allowable concentrations for mineral dusts.

Rule 11. Table 7. Mineral dusts

TABLE 7	
Substance	MAC

	mppcf	mg/m ³
Silica		
Crystalline *		
Quartz (respirable)	$\frac{250}{\% \text{ SiO}_2+5}$	$\frac{10 \text{ mg/m}^3}{\% \text{ SiO}_2+2}$
Cristobalite, see crystalline quartz		
Amorphous, including natural diatomaceous earth	20	$\frac{80 \text{ mg/m}^3}{\% \text{ SiO}_2}$
Silicates (less than 1% crystalline silica)		
Asbestos, all types, see OH Part 602, R 325.51301 to R 325.51302		
Mica	20	
Portland cement	50	
Soapstone	20	
Talc (non-asbestiform)	20	
Talc (fibrous), see OH Part 602, R 325.51301 to R 325.51302		
Tremolite, see OH Part 602, R 325.51301 to R 325.51302		
Graphite (natural)	15	
Inert or nuisance particles **	50 of total dust less than 1% SiO ₂ (or 15 mg/m ³ , whichever is the smaller)	

* The percentage of crystalline silica, SiO₂, in the formula is the amount determined from airborne samples.

** The following are some examples of inert or nuisance particulates when toxic impurities are not present; e.g. quartz less than 1%.

Alundum (Al ₂ O ₃)	Gypsum	Rouge
Calcium carbonate	Limestone	Silicon carbide
Cellulose	Magnesite	Starch
Corundum (Al ₂ O ₃)	Marble	Sucrose
Emery	Pentaerythritol	Tin oxide
Glycerine mist	Plaster of Paris	Titanium dioxide
Graphite (synthetic)	Portland cement	Vegetable oil mists (except castor, cashew nut, or similar irritant oils)

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.42031, R 408.42034, R 408.42041, R 408.42043, R 408.42045, R 408.42046, and R 408.42047 of the Michigan Administrative Code are amended as follows:

PART 20 DEMOLITION

R 408.42031 Demolition generally.

Rule 2031. (1) Before the start of a demolition operation, an employer shall ensure that all of the following are done:

(a) An engineering survey of the structure and equipment is conducted by a competent person knowledgeable in demolition to determine all of the following:

- (i) The condition of the foundation, roof, walls, and floors.
- (ii) Whether any adjacent structure will be affected by the demolition.
- (iii) The utility service entering the building.
- (iv) Any other conditions and equipment affecting the safety of an employee.

(b) An employer shall ensure that there is a written report of the survey at the field office until the completion of the job. The report shall include information such as the name of the person conducting the survey, date of the survey, and hazardous substances and dangerous conditions found and their location. In an emergency situation, a survey is not required. If a field office does not exist at the demolition site, then an employer shall file the written report of the survey at the employer's main office.

(c) An employer shall inform utility companies of the planned demolition. An employer shall ensure that utility services are shut off, capped, or otherwise protected from damage, except as specified in subrule (2) of this rule.

(d) An employer shall ensure that glazed sash and doors and other glass that might cause an injury shall be protected or removed before demolition starts.

(2) If an employee is required to work in a structure that has been damaged by fire, flood, or explosion, then an employer shall ensure that the affected walls and floors are shored or braced before manual demolition starts.

(3) If an area or item, such as a pipe, tank, or bin, is known or suspected to contain a hazardous substance, then an employer shall ensure that testing is performed and the hazard eliminated before demolition is permitted to begin.

(4) An employer shall ensure that manual demolition of structural components starts at the top of the structure and proceeds downward so that each level is completely dropped before the next lower wall and floor is dropped, except that if a connection portion is a different level, then that portion may be removed first. This requirement does not prohibit the cutting of a floor for the removal of materials if the requirements of R 408.42044 are complied with.

(5) An employer shall ensure that an employee shall not be exposed to weather conditions during demolition work if weather conditions constitute a hazard.

(6) During manual demolition of a structure of skeleton steel construction, the steel framing may be left in place, but an employer shall ensure that all structural supports are cleared of loose material as the demolition proceeds downward.

(7) An employer shall ensure that an employee is not permitted to work on a floor below a floor opening when demolition is conducted on the upper level, unless the employee is protected by a solid barricade not less than 42 inches high and located not less than 6 feet back from the projected edge of the opening above.

(8) During demolition, an employer or his or her designated representative shall make daily inspections to detect hazards and unsafe conditions. An employer shall ensure that an employee is not permitted to work where hazards exist until the hazards are corrected by shoring, bracing, or other effective means.

R 408.42034 Material chutes and drops.

Rule 2034. (1) The area onto and through which material is to be dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 6 feet back from the opening and the area receiving the material. Signs warning of the hazard of falling materials shall be posted on the barricades at each level containing the barricades.

(2) Where material is dropped through more than 1 level, the opening shall be enclosed between the upper and lower levels, an enclosed chute shall be provided, or the intermediate levels shall be barricaded as prescribed in subrule (1) of this rule. If the drop is more than 40 feet inside the building, only an enclosed opening or chute shall be used. The chute or enclosure shall extend through the ceiling of the receiving level.

(3) A material chute shall be constructed to withstand any impact load imposed on it without failure.

(4) A material chute, or section thereof, at an angle of more than 45 degrees from the horizontal shall be entirely enclosed, except for an opening equipped with a closure at or about each floor level for insertion of materials. The opening shall not be more than 48 inches in height measured along the wall of the chute. At all stories below the top floor, the openings shall be kept closed when not in use. The chute shall fit the floor or wall opening or the open space shall be closed.

(5) Where material is dumped from mechanical equipment or a wheelbarrow, a toeboard or bumper not less than 4 inches thick by 6 inches high nominal size secured to the floor shall be provided at each material chute opening.

R 408.42041 Removal of chimneys, stacks, and walls.

Rule 2041. (1) During manual demolition, a wall or ceiling shall not be permitted to fall on a floor of a building unless the floor is capable of sustaining the impact.

(2) A chimney, stack, or wall shall not be permitted to stand alone without lateral bracing unless it can withstand the force of the wind and other uncontrolled forces. A chimney, stack, or wall shall be left in a stable condition at the end of each shift.

(3) During manual demolition, a wall serving as a retaining wall to support earth shall not be demolished until the load against the wall has been removed.

(4) A wall serving as a retaining wall for debris shall be capable of supporting the imposed load.

(5) A wall serving as a bearing wall for an adjoining structure shall not be demolished until the adjoining structure has been underpinned.

(6) Safety access to and from the top of the chimney or stack shall be provided during manual demolition.

R 408.42043 Removal of structural steel.

Rule 2043. (1) During manual demolition, structural steel shall be removed column length by column length and tier by tier without overstressing any member.

(2) Structural steel members shall be lowered from an upper level by mechanical means.

R 408.42045 Mechanical demolition.

Rule 2045. (1) Mechanical equipment shall not be used on a floor or other working surface unless the floor or surface is capable of supporting the imposed load of the equipment and the anticipated material loads.

(2) Equipment used in mechanical demolition shall comply with both of the following:

(a) Only be operated by a qualified and authorized employee.

(b) Meets the requirements prescribed in the applicable rules of Part 10. Lifting and Digging Equipment, and Part 13. Mobile Equipment, R 408.41001 et seq. and R 408.41301 et seq. of the Michigan Administrative Code.

(3) A floor or wall opening shall have curbs or stop logs, as prescribed in R 408.42034 to prevent mechanical equipment from running over the edge.

(4) Only those employees necessary to the operation of mechanical demolition equipment shall be permitted in the demolition area at any time.

(5) The weight of a demolition ball shall not be more than 50% of the crane's rated load based on the boom length and the maximum angle of operation that the ball will be used, or the weight shall not be more than 25% of the nominal breaking strength of the line and connection by which it is suspended, whichever is the lesser.

(6) The crane boom and load line shall be as short as possible to accomplish the job.

(7) The ball shall be positively connected to the load line with a swivel connector to prevent accidental disconnection and to prevent twisting of the line.

(8) Roof cornices and other ornamental stonework shall be removed before pulling a wall over, except when balling or clamming.

R 408.42046 Demolition by use of explosives.

Rule 2046. Explosives handled, transported, stored, and used in demolition shall be as prescribed in General Industry Safety Standard Part 27. 'Blasting and Use of Explosives,' R 408.42701 et seq. of the Michigan Administrative Code.

R 408.42047 Storage of debris.

Rule 2047. (1) Storage of debris or salvaged material on a floor shall not exceed the allowable floor load.

(2) Storage space into which material is placed shall be blocked off by a barricade or wall when hazardous to an employee, except for an opening used to place or remove the material. The opening to the storage space shall be kept closed at all times when not in use.

(3) In a building having wooden floor construction, the flooring boards may be removed from not more than 1 floor above grade to provide storage space for debris, if falling material is not permitted to endanger the stability of the structure.

ADMINISTRATIVE RULES

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

EDUCATION OF PREGNANT STUDENTS

Filed with the Secretary of State on March 25, 2013

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 35a, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the superintendent of public instruction by section 1301 of 1976 PA 451, MCL 380.1301 and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and MCL 388.994)

R 340.1121 and R 340.1122 of the Michigan Administrative Code are amended and R 340.1123 and R 340.1124 are rescinded from the Code as follows:

R 340.1121 Attendance in schools.

Rule 1. (1) A pregnant student or teen parent has the right to attend any school or program that they would otherwise qualify for, including the right to remain in a regular school program, and to full participation in all school related activities and programs.

(2) A pregnant or teen parent has the right to attend school in an environment free of discrimination and harassment

(3) A school district shall treat pregnancy and related medical conditions, services, or treatment and childbirth and recovery as it would treat any other medical condition.

(4) School absences related to doctors' appointments, medical treatment, or recovery shall be treated as any other medical reason for absence from school. A pregnant student or teen parent who meets the qualifications for homebound and hospitalized services under section 109 of 1979 PA 94, MCL 388.1709, shall have the same access as any student with a medical condition.

(5) School authorities or other school personnel shall not order a pregnant student against her will, nor coerce her, to withdraw from a school program.

(6) A pregnant student under the compulsory school age may choose to withdraw from a regular public school or program when her parent or legal guardian submits a signed request for the withdrawal and a certificate by a physician, registered to practice under the laws of this state, that the student is pregnant and that continued attendance in school may adversely affect her health or that of her child.

R 340.1122 Readmission to regular school programs.

Rule 2. A student who withdraws from a regular school program because of pregnancy shall be readmitted to the program upon her enrollment and shall be reinstated to the status that the student previously held.

R 340.1123 Rescinded.

R 340.1124 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.11435 is of the Michigan Administrative Code is amended and R 408.11431 and R 408.11434 of the Code are rescinded, as follows:

PART 14. CONVEYORS

R 408.11431 Rescinded.

R 408.11434 Rescinded.

R 408.11435 Grounding.

Rule 1435. Where an explosion hazard exists, such as, but not limited to, dust or fumes, a means of draining the potential static electricity build up shall be provided and used.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.11724 and R 408.11725 of the Michigan Administrative Code are amended as follows:

PART 17. REFUSE PACKER UNITS

R 408.11724. Controls.

Rule 1724. (1) A side loading mobile refuse packer unit with a top loading hopper shall have a fixed barrier or a movable barrier interlocked with the power source if a pinch point is created by the compaction mechanism.

(2) A refuse packer unit with a side loading door shall have the door interlocked with the power source of the compaction mechanism when the bottom of the loading opening is less than 6 feet vertically from the loading surface.

(3) Loading compaction controls for a rear loading unit shall be located so that the operator using the compaction controls has a view of the loading sill.

(4) Operator controls for a mobile unit shall be designed or located so that unintentional activation will not occur.

(5) Except when guarded as required in R 408.11725(1), a mobile refuse packer unit shall be equipped with operator controls that require continuous pressure of both hands on the control devices until the packer blade has moved beyond the pinch point created where the blade or sweep panel and hopper come together, or shall provide for the blade or sweep panel to stop not less than 6 inches nor more than 16 inches from the pinch point and require reactivation to complete the cycle. When using the split cycle, a single control is sufficient.

(6) Each control device shall be labeled as to its function.

R 408.11725. Guards.

Rule 1725. (1) After September 25, 1974, a rear loading mobile refuse packer unit shall be guarded to prevent employee access to the pinch point caused by the packing cycle by 1 of the following devices:

(a) A movable barrier designed to withstand repetitive use and remain in alignment and prevent the operator from reaching the pinch point created during the packing cycle. The barrier shall be provided

with a cushion along its entire length where the barrier meets the sill to prevent chance of injury. The barrier shall be interlocked with the packing cycle so that it is in place before the packer mechanism closes to not less than 6 inches nor more than 14 inches of the pinch point.

(b) An elevating hopper which rises not less than 6 feet above the working surface before the packer blade closes to within 6 inches of the hopper sill.

(c) A fixed or movable barrier or other safety device which will prevent access to the pinch point by an employee.

(2) An operator of a mobile refuse packer may use the controls prescribed in R 408.11724(5) in lieu of fixed or movable barriers.

(3) An exposed pinch point created by mechanical controls or lifting arms on a mobile refuse packer unit shall be guarded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on March 14, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.14246, R 408.14263, R 408.14267, R 408.14269, and R 408.14273 of the Michigan Administrative Code are amended and R 408.14231 is rescinded, as follows:

PART 42. FORGING

R 408.14231 Rescinded.

R 408.14246 Steam and pneumatic hammers.

Rule 4246. (1) A steam or air hammer shall be equipped with a functional safety cylinder head to act as a cushion if the piston rod breaks or pulls out of the ram.

(2) A steam hammer shall be provided with a quick access emergency shut-off valve identified by name or color in the supply, sometimes called admission, pipeline at a location within reach of the operator. This valve shall be closed and locked in the "off" position while the hammer is being adjusted, repaired, or serviced, or when the die are being changed, except where necessary to move the ram.

(3) If the steam hammer cylinder is constructed without a self-draining arrangement, a drain cock shall be provided which shall be piped to a sump or drain pipe.

(4) A pneumatic hammer shall have a drain cock on the main head cylinder and on the clamp cylinder, if a clamp cylinder is provided.

(5) Steam or air pressure at the hammer shall be no higher than that for which the hammer is designed. A pressure regulator and safety valve at the source of power or at the equipment, whichever is applicable, shall be used to insure this.

(6) A steam pipe shall be covered where exposed to contact. Pipe supports or other effective means shall be provided to prevent failure from vibration, expansion, or contraction.

(7) Steam or air piping shall be as prescribed in ANSI B31.1-1967, Power piping, with addenda issued before April 28, 1971, which is incorporated herein by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs. This standard may be purchased from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-

7179 or via the internet at website: <http://global.ihs.com>, at a cost as of the time of adoption of these rules of \$96.00 each.

(8) Where it is necessary to service a steam cylinder, a fixed platform, as prescribed in R 408.14249(2), shall be provided, or the employee shall wear a safety belt and lanyard, with the lanyard secured to the hammer or a structural member.

R 408.14263 Bulldozers.

Rule 4263. A guard shall be attached to the side of the moving head of a bulldozer and shall extend past the stationary head to prevent persons from stepping between the dies, or another method may be used which offers equal protection.

R 408.14267 Power shears.

Rule 4267. (1) The maximum size and specification of material being sheared on a power shear, as recommended by the manufacturer of the shear, shall not be exceeded.

(2) Effective point-of-operation guarding shall be provided at both the feeding end and discharge end of a power shear.

R 408.14269 Tumbling barrels and shot blasts.

Rule 4269. (1) A tumbling barrel shall have all of the following:

(a) Have fittings to the barrel dust-tight or the barrel enclosed in a booth with an exhaust system as approved by the state department of licensing and regulatory affairs.

(b) Be locked in place while being loaded or unloaded.

(c) Have an interlocked barrier across the front before it can be started.

(2) A shot blast cleaning chamber shall have doors, curtains including silhouettes, or guards to protect the operator.

R 408.14273 Billet heating furnaces.

Rule 4273. (1) A billet heating furnace shall be equipped with an automatic valve on the main fuel line which will shut off in case of electrical or fuel supply failure.

(2) Radiant heat from a billet furnace shall be controlled by 1 or more of the following methods:

(a) Reflective shields of aluminum or materials of equal reflectively.

(b) Controlled openings.

(c) Evaporative cooling.

(d) Water jackets.

(e) Chain curtains.

(3) An exhaust system shall be provided as prescribed by the state department of licensing and regulatory affairs.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on March 15, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.16511 and R 408.16528 of the Michigan Administrative Code are amended as follows:

PART 65. MILLS AND CALENDERS FOR RUBBER AND PLASTIC

R 408.16511 Employer's responsibilities.

Rule 6511. An employer shall do all of the following:

- (a) Provide training to an employee as to the hazards and safe operation of his or her assigned job.
- (b) Maintain the mills and calenders in a condition free of recognized hazards.

R 408.16528 Lubrication.

Rule 6528. Lubrication shall be accomplished by 1 of the following:

- (a) Manually when the machine can be shut off and locked out.
- (b) An automatic pressure or gravity feed system.
- (c) An extension pipe leading to an area outside of guards or away from any hazard.
- (d) Other means providing safety equal to or exceeding subdivisions (a), (b), or (c) of this rule.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on March 15, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.17125 of the Michigan Administrative Code is rescinded as follows:

PART 71. LAUNDRY AND DRY CLEANING MACHINERY AND OPERATIONS

R 408.17125 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

AUDIOLOGY - GENERAL RULES

Filed with the Secretary of State on March 25, 2013

This rule becomes effective 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145(3) and 16801 of 1978 PA 368, MCL 333.16145(3) and 333.16801, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1 and 2011-4, MCL 330.3101, 445.2001, 445.2011 and 445.2030)

R 338.7 of the Michigan Administrative Code is amended as follows:

R 338.7 Examination; adoption; passing scores.

Rule 7. The board approves and adopts the national teacher's examination in audiology or the praxis series II audiology test that is administered by the educational testing service or its successor organization. Applicants shall be required to achieve a passing score on the national teacher's examination in audiology or the praxis series II test examination in audiology or any successor examination.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MICHIGAN ADMINISTRATIVE HEARING SYSTEM

Filed with the Secretary of State on March 20, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the executive director of the Michigan administrative hearings system by Executive Order 2011-4, MCL 445.2030, and sections 32 and 49 of the Tax Tribunal by the Tax Tribunal Act, 1973 PA 186, MCL 205.732 and MCL 205.749.)

R 205.1101, R 205.1111, R 205.1115, R 205.1120, R 205.1125, R 205.1130, R 205.1135, R 205.1140, R 205.1145, R 205.1150, R 205.1155, R 205.1201, R 205.1202, R 205.1205, R 205.1208, R 205.1210, R 205.1215, R 205.1220, R 205.1222, R 205.1225, R 205.1228, R 205.1230, R 205.1235, R 205.1240, R 205.1245, R 205.1247, R 205.1249, R 205.1250, R 205.1252, R 205.1255, R 205.1257, R 205.1260, R 205.1264, R 205.1270, R 205.1275, R 205.1278, R 205.1280, R 205.1281, R 205.1283, R 205.1285, R 205.1288, R 205.1290, R 205.1301, R 205.1303, R 205.1305, R 205.1307, R 205.1312, R 205.1313, R 205.1315, R 205.1317, R 205.1320, R 205.1330, R 205.1332, R 205.1333, R 205.1335, R 205.1340, R 205.1342, R 205.1345, and R 205.1348 of the Michigan Administrative Code are rescinded and R 792.10201, R 792.10203, R 792.10205, R 792.10207, R 792.10209, R 792.10211, R 792.10213, R 792.10215, R 792.10217, R 792.10219, R 792.10221, R 792.10223, R 792.10225, R 792.10227, R 792.10229, R 792.10231, R 792.10233, R 792.10237, R 792.10239, R 792.10241, R 792.10243, R 792.10245, R 792.10247, R 792.10249, R 792.10251, R 792.10251, R 792.10253, R 792.10255, R 792.10257, R 792.10259, R 792.10261, R 792.10263, R 792.10265, R 792.10267, R 792.10269, R 792.10271, R 792.10273, R 792.10275, R 792.10277, R 792.10279, R 792.10281, R 792.10283, R 792.10285, R 792.10287, and R 792.10289 are added:

PART 1. GENERAL PROVISIONS

R 205.1101 Rescinded.

R 205.1111 Rescinded.

R 205.1115 Rescinded.

R 205.1120 Rescinded.

R 205.1125 Rescinded.

R 205.1130 Rescinded.

R 205.1135 Rescinded.

R 205.1140 Rescinded.

R 205.1145 Rescinded.

R 205.1150 Rescinded.

R 205.1155 Rescinded.

PART 2. MATTERS BEFORE ENTIRE TRIBUNAL

R 205.1201 Rescinded.

R 205.1202 Rescinded.

R 205.1205 Rescinded.

R 205.1208 Rescinded.

R 205.1210 Rescinded.

R 205.1215 Rescinded.

R 205.1220 Rescinded.

R 205.1222 Rescinded.

R 205.1225 Rescinded.

R 205.1230 Rescinded.

R 205.1235 Rescinded.

R 205.1240 Rescinded.

R 205.1245 Rescinded.

R 205.1247 Rescinded.

R 205.1249 Rescinded.

R 205.1250 Rescinded.

R 205.1252 Rescinded.

R 205.1255 Rescinded.

R 205.1257 Rescinded.

R 205.1260 Rescinded.

R 205.1264 Rescinded.

R 205.1270 Rescinded.

R 205.1275 Rescinded.

R 205.1278 Rescinded.

R 205.1280 Rescinded.

R 205.1281 Rescinded.

R 205.1283 Rescinded.

R 205.1285 Rescinded.

R 205.1288 Rescinded.

R 205.1290 Rescinded.

PART 3. SMALL CLAIMS DIVISION RULES

R 205.1301 Rescinded.

R 205.1303 Rescinded.

R 205.1305 Rescinded.

R 205.1307 Rescinded.

R 205.1312 Rescinded.

R 205.1313 Rescinded.

R 205.1315 Rescinded.

R 205.1317 Rescinded.

R 205.1320 Rescinded.

R 205.1330 Rescinded.

R 205.1332 Rescinded.

R 205.1333 Rescinded.

R 205.1335 Rescinded.

R 205.1340 Rescinded.

R 205.1342 Rescinded.

R 205.1345 Rescinded.

R 205.1348 Rescinded.

TAX TRIBUNAL RULES OF PRACTICE AND PROCEDURE

SUBPART A. GENERAL PROVISIONS.

R 792.10201 Scope.

Rule 201. (1) These rules govern practice and procedure in all proceedings before the tribunal. These rules shall be construed so as to secure a fair, efficient, and impartial determination of the issues presented in all proceedings before the tribunal. To the extent there is a conflict between these rules and other administrative hearing rules promulgated by the Michigan administrative hearing system (mahs), these rules shall govern.

(2) These rules shall be known and shall be referred to as the “tax tribunal rules” and may be cited as “TTR.”

R 792.10203 Definitions.

Rule 203. As used in these rules:

(a) “Act” means 1973 PA 186, MCL 205.701 to 205.779.

(b) “Administrative law judge” means any person assigned by mahs to preside over and hear a tribunal proceeding including, but not limited to, tribunal members and hearing officers.

(c) “Administrator” means the tribunal chair or a tribunal member who has been delegated the authority to render a final decision in a tribunal proceeding.

(d) “Authorized representative” means a person, other than an attorney, who is selected by a party to appear on the party’s behalf before the tribunal.

(e) “Clerk” means the chief clerk or a deputy clerk of the tribunal.

(f) “Entire tribunal” means the hearing division of the tribunal other than the small claims division.

(g) “Non-property tax appeal” means any proceeding, other than a property tax appeal, over which the tribunal has jurisdiction.

(h) “Proceeding” means a contested case in which a determination of the legal rights, duties, or privileges of a named party or parties is required by law to be made after an opportunity for a hearing.

(i) “Property tax appeal” means any proceeding relating to real and personal property assessments, valuations, rates, special assessments, refunds, allocation, or equalization or any other proceeding brought before the tribunal under the state’s property tax laws.

(j) “Referee” means a contractual small claims hearing referee whose powers are limited to those provided by the tribunal.

(k) “Small claims division” means the residential property and small claims division created by section 61 of the act, MCL 205.761.

(l) “Tribunal member” means an individual who is appointed by the governor as a tribunal judge with quasi-judicial powers as provided in the act.

(m) The terms defined in the act and in 1893 PA 206, MCL 211.1 to 211.155, have the same meanings when used in these rules.

R 792.10205 Payment of fees or charges.

Rule 205. Tribunal fees or charges shall be paid separately for each proceeding in cash or by check, money order, or other draft payable to the order of “State of Michigan.” Payments shall be mailed or delivered to the clerk of the tribunal at the tribunal’s office. Tribunal fees or charges may also be paid separately for each proceeding electronically, if provided for by the tribunal.

R 792.10207 Records; removal; public access; electronic signatures.

Rule 207. (1) The original record for each proceeding, including all pleadings and documents filed and exhibits offered in the proceeding, shall not be taken from a hearing room or the tribunal’s office except as authorized by the tribunal.

(2) The printed copy of any pleading, document, or exhibit submitted through the tribunal’s e-filing system shall be a paper representation of that electronic pleading, document or exhibit and shall be included in the original record for that proceeding in the order in which the electronic pleading, document, or exhibit was received through the tribunal’s e-filing system, as provided in section 7 of 2000 PA 305, MCL 450.837.

(3) After the time for appeal has expired, the clerk shall make each party’s exhibits available for return to the party. If an exhibit is not claimed within 90 days after the exhibit is made available for return, then the clerk may dispose of the exhibits at his or her discretion.

(4) Except upon order of the tribunal for good cause shown or as otherwise provided by law, all public records of the tribunal are available for inspection. Copies may be obtained from the clerk upon payment of the charge provided in R 792.10217 and R 792.10267.

(5) Pleadings and documents submitted through the tribunal’s e-filing system shall be “signed” by typing “/s/ John Smith Attorney,” “/s/ John Smith Authorized Representative” or “/s/ John Smith”, if a party is appearing on his or her own behalf on the signature line of the pleading or document or by applying a graphic representation of the signature to the pleading or document.

R 792.10209 Costs.

Rule 209. (1) The tribunal may, upon motion or its own initiative, award costs in a proceeding, as provided by section 52 of the act, MCL 205.752.

(2) If costs are awarded, a bill of costs shall be filed and served within 21 days of the entry of the order awarding costs, unless otherwise provided by the tribunal. A party may file a response objecting to the bill of costs or any item in the bill within 14 days after service of the copy of the bill, unless otherwise provided by the tribunal. Failure to file an objection to the bill of costs within the 14-day period or as otherwise provided by the tribunal shall constitute a waiver of any right to object to the bill.

(3) The bill of costs shall state separately each item claimed and the amount claimed, and shall be verified by affidavit of the party or the party’s attorney or authorized representative, if any. The affidavit shall state that each item is correct and was necessarily incurred.

R 792.10211 Form, effective date, content, correction of clerical mistakes, and service of decisions and orders.

Rule 211. (1) Decisions and orders shall be stated in writing and shall be effective when officially entered by the clerk at which time the clerk shall transmit the decision or order, as provided by this rule.

(2) A decision shall include a concise statement of facts and conclusions of law stated separately and, upon order of the tribunal, shall be officially reported and published.

(3) Clerical mistakes arising from an oversight or omission in a decision or order or in the records of any proceeding may be corrected by order of the tribunal at any time upon motion or the tribunal's own initiative.

(4) Service of decisions and orders entered in a proceeding shall be made on each party at that party's last known mailing or e-mail address. If an attorney or authorized representative is appearing on behalf of that party, then service shall be made on the attorney or authorized representative at his or her last known mailing or e-mail address, as provided in section 52 of the act, MCL 205.752. Service by mail or e-mail on an attorney or authorized representative shall constitute service on his or her office.

R 792.10213 Appeals.

Rule 213. An appeal from a decision of the tribunal shall be taken in accordance with section 53 of the act, MCL 205.753. If an appeal is taken to the court of appeals, then the appellant shall file a copy of the claim of appeal or application for leave to appeal with the clerk of the tribunal together with the appropriate filing fee, as provided in R 792.10217 and R 792.10267.

SUBPART B. MATTERS BEFORE ENTIRE TRIBUNAL.

R 792.10215 Scope.

Rule 215. The rules in subpart a and in this subpart shall govern practice and procedure in all proceedings pending in the entire tribunal and shall be known as the entire tribunal rules. If an applicable entire tribunal rule does not exist, the 1995 Michigan rules of court, as amended, and sections 71 to 87 of the administrative procedures act (apa), MCL 24.271 to 24.287, and sections 121 to 128 of the apa, MCL 24.321 to 24.328, shall govern.

R 792.10217 Fees and charges.

Rule 217. The following fees shall be paid to the clerk in all entire tribunal proceedings upon filing, unless otherwise provided by the tribunal:

- (a) The fee for filing property tax appeal petitions: Filing fee
 - (i) Allocation, apportionment, and equalization appeals.....\$250.00.
 - (ii) Valuation appeals.

Value in contention*	Filing fee**
\$100,000 or less.....	\$250.00.
\$100,000.01 to \$500,000.....	\$400.00.
More than \$500,000.....	\$600.00.

*Value in contention is the difference between the assessed value as established by the board of review and the state equalized value contended by the petitioner or the difference between the taxable value as established by the board of review and the taxable value contended by the petitioner, whichever is greater.

**The filing fee for multiple, contiguous parcels owned by the same person is the filing fee for the parcel that has the largest value in contention, plus \$25.00 for each additional parcel, not to exceed a total filing fee of \$2,000.00.

(b) The fee for filing a motion to amend a property tax appeal petition to add a subsequent year assessment is equal to 50% of the fee provided in subdivision (a)(ii) of this rule for the assessment to be added.

(c) The fee for filing a property tax appeal petition contesting a special assessment or a non-property tax appeal petition is \$250.00.

(d) The fee for filing a property tax appeal petition contesting the classification of property is \$150.00.

(e) The fee for filing a stipulation for entry of consent judgment instead of a property tax appeal or non-property tax appeal petition is \$50.00.

(f) If a petition has been filed, the fee for filing a stipulation for entry of consent judgment is \$50.00.

(g) The fee for filing a motion for immediate consideration or a motion for summary disposition or partial summary disposition is \$100.00.

(h) The fee for filing a motion to withdraw a petition is \$0.00.

(i) The fee for the filing of a stipulation or motion by an attorney or authorized representative who has entered an appearance in a proceeding to withdraw from or be substituted for in that proceeding is \$0.00.

(j) The fee for the filing of all other motions is \$50.00.

(k) The fee for the filing of multiple motions in a single document is the largest fee that would have been charged if each motion had been filed separately.

(l) The fee for the certification of the record on appeal to the court of appeals is \$100.00.

(m) The fee for copies of pleadings and other documents is \$.50/page.

R 792.10219 Commencement of proceedings; election of small claims division and entire tribunal; motions to amend to add a subsequent tax year; other filings.

Rule 219. (1) The party who commences a proceeding shall be designated as the petitioner and the adverse party as the respondent. Parties may be added or dropped by order of the tribunal on its own initiative or on motion of any interested person at any stage of the proceedings and according to terms that are just.

(2) A proceeding is commenced by mailing or delivering a petition to the tribunal with the appropriate filing fee within the time periods prescribed by statute. A proceeding may also be commenced with the tribunal by electronic submission of a petition within the time periods prescribed by statute, if provided for by the tribunal.

(3) A motion to amend a property tax appeal petition to include an assessment in a subsequent tax year is considered to be filed within the time periods prescribed by statute if it has been mailed, delivered, or submitted electronically to the tribunal with appropriate filing fee on or before the expiration of the applicable time period, unless otherwise provided by the tribunal.

(4) A petitioner, who files a defective petition and the tribunal is unable to determine the division of the tribunal in which the proceeding is being filed, will be presumed to have elected to have the matter heard in the small claims division. If a motion to transfer is filed after the scheduling of the hearing and the motion is granted by the tribunal, the petitioner shall pay all entire tribunal filing fees and any costs incurred by the respondent as a result of the transfer, unless otherwise provided by the tribunal.

(5) Pleadings, motions, and documents shall be considered to be filed upon mailing or delivery, as provided by rule 2.107 of the Michigan court rules. Pleadings, motions, and documents may also be submitted through the tribunal's e-filing system, if provided for by the tribunal. Pleadings, motions, and documents submitted through the tribunal's e-filing system shall be considered to be filed upon successful submission of the pleading, motion, or document. Unsuccessful submissions through the tribunal's e-filing system due to a system-wide outage shall be considered timely if filed on the following business day.

(6) Submissions by mail shall be considered to have been filed on the date indicated by the U.S. postal service postmark on the envelope containing the submissions. Submissions by commercial delivery service shall be considered to have been filed on the date the submissions were given to the commercial service for delivery to the tribunal as indicated by the receipt date on the package containing the submissions. Submissions by personal service shall be considered to have been filed on the date the submissions were received. Submissions through the tribunal's e-filing system by 11:59 p.m. on a business day shall be considered to have been filed on that business day. Submissions on a Saturday, a Sunday, or a holiday shall be considered to have been filed on the following business day, as provided by section 35a of the act, MCL 205.735a.

R 792.10221 Pleadings; amended and supplemented pleadings; content of pleadings, motions, and documents; service of pleadings, motions, and documents.

Rule 221. (1) An application for review or any other document initiating a proceeding is considered to be a petition. A document raising an affirmative defense or allegations in response to a petition is considered to be an answer. The petition and answer are pleadings and no other pleadings shall be allowed, except that an answer may be made to petitions filed by parties who are later substituted for or joined in a proceeding. A petition or answer may be amended or supplemented by leave of the tribunal only. With the exception of amendments to include a prior or subsequent tax year assessment in property tax appeal, leave to amend or supplement shall be freely given when justice so requires. Amendments to include a prior or subsequent tax assessment in a property tax appeal must be filed as required by law. See section 35a of the act, MCL 205.735a and section 53a of 1893 PA 206, MCL 211.53a.

(2) All pleadings and motions filed with the tribunal shall contain all of the following information:

(a) The caption "Michigan Tax Tribunal."

(b) The title of the appeal.

(c) The docket number of the appeal after it is assigned by the tribunal.

(d) A designation showing the nature of the pleading or motion.

(3) All documents, other than pleadings and motions, shall contain all of the following information:

(a) The docket number of the appeal after it is assigned by the tribunal.

(b) A designation showing the nature of the document.

(4) The petition shall note the docket number assigned by the tribunal and be served as provided for in this rule within 45 days of the issuance of the notice of docket number, unless otherwise provided by the tribunal. Failure to serve the petition within 45 days of the issuance of the notice of docket number shall result in the dismissal of the proceeding, unless otherwise provided by the tribunal.

(5) The petition, if it is a property tax appeal petition other than a property tax petition contesting a special assessment, shall be served by a petitioner, other than a unit of government, in the following manner:

(a) Mailed by certified mail or delivered by personal service to the following officials at their last known address:

(i) The certified assessor or board of assessors of the unit of government that established the assessment being appealed.

(ii) The city clerk, in the case of cities.

(iii) The township supervisor or clerk, in the case of townships.

(b) Mailed by first-class mail or delivered by personal service to the following officials at their last known address:

(i) The county equalization director for any county affected.

(ii) The county clerk for any county affected.

(iii) The secretary of the local school board.

(iv) The treasurer of the state of Michigan.

(6) The petition, if it is a property tax appeal petition other than a property tax appeal petition contesting a special assessment, shall be served by a petitioner that is a unit of government by certified mail or by personal service on the party or parties-in-interest with respect to the property or properties at issue. The petition shall also be served by first-class mail or by personal service on the following officials at their last known address:

(a) The county equalization director for any county affected.

(b) The county clerk for any county affected.

(c) The secretary of the local school board.

(d) The treasurer of the state of Michigan.

(7) The petition, if it is a property tax appeal petition contesting a special assessment, shall be served by certified mail or by personal service on the clerk of the unit of government, authority, or body levying the special assessment being appealed at the clerk's last known address.

(8) The petition, if it is a non-property tax appeal petition, shall be served by certified mail or by personal service on either of the following officials at their last known address:

(a) The treasurer of the state of Michigan, if the tax was levied by the department of treasury.

(b) The clerk of the local unit of government, if the tax was levied by the local unit of government.

(9) Proof of service shall be submitted within 45 days of the issuance of the notice of docket number establishing by either a written acknowledgment receipt of the petition that is dated and signed by the persons authorized under these rules to receive it or by certification stating the facts of service. Failure to submit the proof of service may result in the dismissal of the proceeding.

(10) Proof of service shall be submitted with all answers, motions, and documents establishing by either a written acknowledgment receipt of the answer, motion, or document that is dated and signed by the person authorized under these rules to receive it or by certification stating the facts of service. Failure to submit the proof of service may result in the holding of a party or parties in default, as prescribed in R 792.10231.

(11) All answers, motions, and documents filed with the tribunal shall be served by first-class mail or personal service concurrently on each of the parties' attorneys or authorized representatives or, if there is no attorney or authorized representative, on the party at his or her last known address, as provided in R 792.10223(4) and in rule 2.107 of the Michigan court rules. All answers, motions, and documents filed with the tribunal may also be served electronically, if provided for by the tribunal, on each of the parties' attorneys or authorized representatives or, if there is no attorney or authorized representative, on the party as provided in R 792. 10223(4).

R 792.10223 Appearance and representation; amicus curiae.

Rule 223. (1) An attorney or authorized representative may appear on behalf of a party in a proceeding by signing the petition or other document initiating the participation of that party in the proceeding or by filing an appearance. The tribunal may require an attorney or authorized representative to provide a written statement of authorization signed by the party on whose behalf the attorney or authorized representative is appearing.

(2) If a petition or other document initiating the participation of a party is signed by an attorney or authorized representative, that petition or document shall state the name of the party on whose behalf the attorney or authorized representative is appearing; the attorney or authorized representative's name; the name of their firm, if any; and the firm's mailing and e-mail addresses and telephone number. If there is no firm, the attorney or authorized representative shall state the attorney or authorized representative's mailing and e-mail addresses and telephone number. The attorney or authorized representative shall

promptly inform the clerk and all parties or their attorneys or authorized representatives in writing of any change in that information.

(3) An appearance filed by an attorney or authorized representative shall state the name of the party or parties on whose behalf the attorney or authorized representative is appearing; the attorney or authorized representative's name; the name of their firm, if any; and the firm's mailing and e-mail addresses and telephone number or, if there is no firm, the attorney or authorized representative's mailing and e-mail addresses and telephone number. The attorney or authorized representative shall promptly inform the clerk and all parties or their attorneys or authorized representatives in writing of any change in that information.

(4) An attorney or authorized representative may withdraw from a proceeding or be substituted for by stipulation or order of the tribunal. The stipulation shall be signed by the party or parties, the attorney or authorized representative, and the new attorney or authorized representative, if any. If the stipulation is signed by a new attorney or authorized representative, the new attorney or authorized representative shall also submit an appearance, as provided by this rule. If the stipulation is not signed by a new attorney or authorized representative, the stipulation shall indicate the mailing and e-mail addresses for the service of notices, orders, and decisions and the telephone number for contacting that party.

(5) In the absence of an appearance by an attorney or authorized representative, a party is considered to appear for himself, herself, or itself. If a party is appearing for himself, herself, or itself, that party shall promptly inform the clerk and all parties or their attorneys or authorized representatives in writing of any change in that party's mailing and e-mail addresses and telephone number.

(6) Upon a change or transfer of interest, the proceeding may be continued by or against the original party in his, her, or its original capacity unless the tribunal directs that person to whom the interest is transferred to be substituted in the proceeding for the original party, joined with the original party, or made a party in another capacity.

(7) The tribunal may, upon motion, order a person or, upon motion or its own initiative, order a state or local governmental unit to appear as *amicus curiae* or in another capacity as the tribunal considers appropriate.

(8) A party, attorney, or authorized representative appearing before the entire tribunal shall conduct himself or herself with decorum.

R 792.10225 Motions.

Rule 225. (1) All requests to the tribunal requiring an order in a proceeding shall be made by written motion filed with the clerk and accompanied by the appropriate fee, unless otherwise provided by the tribunal. Motions may be amended or supplemented by leave of the tribunal only and leave to amend or supplement shall be freely given when justice so requires.

(2) If the motion is not accompanied by the appropriate fee or the tribunal is unable to determine whether the appropriate fee was paid, the tribunal shall issue a notice of no action. If the appropriate fee is paid within 21 days of the issuance of the notice of no action or as otherwise provided by the tribunal, action shall be taken on the motion. If the appropriate fee is not paid within 21 days of the issuance of the notice of no action or as otherwise provided by the tribunal, the motion shall be re-filed with appropriate filing fee.

(3) Motions shall be served concurrently on all other parties of record unless an attorney or authorized representative has filed an appearance on behalf of those parties and then service shall be made on the attorney or authorized representative and proof of service shall be filed with the clerk.

(4) Written opposition to motions, other than motions for which a motion for immediate consideration has been filed or motions for reconsideration, shall be filed within 21 days after service of the motion, unless otherwise provided by the tribunal.

(5) Written opposition to motions, for which a motion for immediate consideration has been filed, shall be filed within 7 days after service of the motion for immediate consideration, if the motion for immediate consideration includes a statement verifying that the party filing the motion has notified all parties of the filing of the motion for immediate consideration and indicating whether the parties will be filing a response to the motion or motions for which the motion of immediate consideration was filed. If the motion for immediate consideration does not include that statement, written opposition to those motions shall be filed within 21 days after service of the motion for immediate consideration, unless otherwise provided by the tribunal.

(6) Pleading on motions shall be limited to the motion and a brief in support of the motion and a single response to the motion and a brief in support of the response. A brief in support of a motion or response, if any, shall be filed concurrently with the motion or response.

R 792.10227 Petitions.

Rule 227. (1) A petition shall contain a statement of facts, without repetition, upon which the petitioner relies in making its claim for relief. The statement shall be made in separately designated paragraphs. The contents of each paragraph shall be limited, as far as practicable, to a statement of a single fact. Each claim shall be stated separately when separation facilitates the clear presentation of the matters set forth.

(2) A petition shall not cover more than 1 assessed parcel of real property, except as follows:

(a) A single petition involving real property may cover more than 1 assessed parcel of real property if the real property is contiguous and within a single assessing unit.

(b) A single petition involving personal property may cover more than 1 assessed parcel of personal property located on the same real property parcel within a single assessing unit.

(c) A single petition involving personal property may cover personal property located on different real property parcels if the property is assessed as 1 assessment and is located within a single assessing unit.

(d) A single petition may include both real and personal property, if the personal property is located on the real property parcel or parcels at issue within a single assessing unit.

(3) Each petition shall contain all of the following information:

(a) The petitioner's name, legal residence or, in the case of a corporation, its principal office or place of business, mailing address, if different than the address for the legal residence or principal place of business, e-mail address, and telephone number.

(b) The name of the opposing party or parties.

(c) A description of the matter in controversy, including the type of tax, the year or years involved, and, in a property tax appeal, all of the following information:

(i) The present use of the property, the use for which the property was designed, and the classification of property.

(ii) Whether the matter involves any of the following:

(A) True cash value.

(B) Taxable value.

(C) Uniformity.

(D) Exemption.

(E) Classification.

(F) A combination of the areas specified in subparagraphs (A) to (E) of this paragraph.

(G) Special assessment.

(H) Non-property taxes, interest, and penalties.

(iii) For multifamily residential property, whether the property is subject to governmental regulatory agreements and a subsidy and the type of subsidy involved.

(d) A statement of the amount or amounts in dispute, which shall include the following, as applicable:

- (i) In taxable value proceedings, a statement indicating whether there is a dispute relative to the value of an addition or a loss.
- (ii) In non-property tax appeals, a statement of the portion of the tax admitted to be correct, if any, and a copy of the assessment or other notice being appealed attached to the petition.
- (e) In true cash value, taxable value, uniformity, exemption, classification, or special assessment proceedings, a statement as to whether the matter in controversy has been protested, the date of the protest and, if applicable, the date of receipt of the disputed tax bill.
- (f) A clear and concise statement of the facts upon which the petitioner relies, except for facts that the opposing party has the burden of proving.
- (g) The relief sought.
- (h) The signature of the petitioner or petitioner's attorney or authorized representative.
- (4) In equalization, allocation, and apportionment proceedings, the petition shall be sworn to and be in compliance with applicable statutes.

R 792.10229 Answers.

Rule 229. (1) The respondent shall have 28 days from the date of service of the petition to file an answer or responsive motion. Failure to file an answer or responsive motion within 28 days may result in the holding of the respondent in default and the conducting of a default hearing, as provided in R 792.10231.

(2) The answer shall be written to fully advise the petitioner and the tribunal of the nature of the defense and shall contain a specific admission or denial of each material allegation in the petition. If the respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, then the answer shall so state and the statement shall have the effect of a denial. If the respondent intends to qualify or deny only a part of an allegation, then the answer shall specify so much of the allegation as is true and shall qualify or deny only the remainder. In addition, the answer shall contain a clear and concise statement of every ground on which the respondent relies and has the burden of proof. Paragraphs of the answer shall be designated to correspond to paragraphs of the petition to which they relate.

(3) An answer may assert as many defenses as the respondent may have against a petitioner. A defense is not waived by being joined with 1 or more other defenses. All defenses not asserted in either the answer or by appropriate motion are waived, except for either the following defenses:

- (a) Lack of jurisdiction.
- (b) Failure to state a claim upon which relief may be granted.
- (4) In a special assessment proceeding, the answer shall specify the statutory authority under which the special assessment district was created.

R 792.10231 Defaults; "default hearing" defined; dismissals; withdrawals; transfers.

Rule 231. (1) If a party has failed to plead, appear, or otherwise proceed as provided by these rules or the tribunal, the tribunal may, upon motion or its own initiative, hold that party in default. A party held in default shall cure the default as provided by the order holding the party in default and, if required, file a motion to set aside the default accompanied by the appropriate fee within 21 days of the entry of the order holding the party in default or as otherwise provided by the tribunal. Failure to comply with an order of default may result in the dismissal of the case or the conducting of a default hearing as provided in this rule.

(2) For purposes of this rule, "default hearing" means a hearing at which the defaulted party is precluded from presenting any testimony, submitting any evidence, and examining the other party's witnesses, unless otherwise provided by the tribunal.

(3) A petition may be withdrawn upon motion filed by the petitioner before the answer or first responsive motion has been filed with the tribunal. Once the answer or first responsive motion has been filed, a petition may be withdrawn upon motion filed by petitioner only if the other party or parties do not object to the withdrawal.

(4) Failure of a party to properly prosecute the proceeding, comply with these rules, or comply with an order of the tribunal is cause for dismissal of the proceeding or the conducting of a default hearing for respondent. Upon motion made within 21 days of the entry of the order, as provided by R 792.10255 of these rules, an order of dismissal may be set aside by the tribunal for reasons it considers sufficient.

(5) By stipulation of the parties or by a petitioner's motion and notice to the respondent, the tribunal may transfer a matter to the small claims division by order.

R 792.10233 Applicability of discovery procedures to equalization, allocation, and apportionment proceedings.

Rule 233. For equalization, allocation, and apportionment proceedings, the prehearing and discovery procedures fixed by R 792.10237 to R 792.10247 do not apply, unless otherwise provided by the tribunal.

R 792.10237 Valuation disclosure; witness list.

Rule 237. (1) For purposes of this rule and R 792.10253, "valuation disclosure" means documentary or other tangible evidence in a property tax proceeding that a party relies upon in support of the party's contention as to the true cash value of the subject property or any portion thereof and contains the party's value conclusions and data, valuation methodology, analysis, or reasoning.

(2) A party's valuation disclosure in a property tax proceeding shall be filed with the tribunal and exchanged with the opposing party as provided by the tribunal. However, a party may, if the party has reason to believe that the opposing party may not exchange a valuation disclosure as provided by the tribunal, submit a valuation disclosure to the tribunal together with a motion and appropriate filing fee requesting the tribunal's leave to withhold the valuation disclosure until the opposing party exchanges a valuation disclosure with that party.

(3) A party shall submit to the tribunal and the other party or parties a prehearing statement, as required by R 792.10247. The prehearing statement shall provide the other party or parties and the tribunal with the name and address of any person who may testify and with a general summary of the subject area of the testimony. A person who is not disclosed as a witness shall not be permitted to give testimony, unless, for good cause shown, the tribunal permits the testimony to be taken.

R 792.10239 Interrogatories to parties.

Rule 239. (1) A party to a proceeding may serve upon all adverse parties written interrogatories to be answered by the party to whom the interrogatories are directed.

(2) Interrogatories shall be answered separately and fully in writing under oath. If an interrogatory is objected to, the reasons for objection shall be stated in place of an answer. The answers shall be signed by the person making them and shall contain information that is available to the party served or that could be obtained by the party from its employees, agents, representatives, or persons who may testify on the party's behalf. The party to whom the interrogatories are directed shall serve a copy of the answers on the party or the party's attorney or authorized representative submitting the interrogatories and on all other parties or their attorneys or authorized representatives within 28 days after service of the interrogatories.

(3) If any of the interrogatories have not been answered within the time specified under subrule (2) of this rule, then the tribunal, on motion and for good cause shown, may issue an order compelling a

response. A party who fails to answer interrogatories pursuant to an order of the tribunal may be placed in default as provided by R 792.1023.

(4) To the extent that answers are admissible as evidence before the tribunal, answers to interrogatories may be used against the party making them, and an adverse party may introduce an answer that has not been previously offered in evidence by a party.

(5) A person who answers interrogatories is not the witness of the party who submits the interrogatories.

(6) By tribunal order, interrogatories may be limited, as justice requires, to protect the answering party from annoyance, expense, embarrassment, oppression, or violation of a privilege.

(7) A party who has given a response that was complete when made is not under a duty to supplement the response to include information thereafter acquired, unless provided by the tribunal, except as follows:

(a) To supplement the response with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, or the identity of each person expected to be called as a witness at the hearing, the subject matter on which the witness is expected to testify, and the substance of the witness's testimony.

(b) To amend a prior response that the party knows was incorrect when made based on information obtained by the party, or to amend a prior response that was correct when made, but that is no longer true and failing to amend the response is, in substance, a knowing concealment.

R 792.10241 Depositions.

Rule 241. Parties may stipulate to take depositions or may, by written motion, request to take the testimony of any person, including a party, by deposition for the purpose of discovery or for use as evidence in the proceeding, or for both purposes, and the tribunal, in its discretion, may order the taking of depositions.

R 792.10243 Requests for production of documents and tangible things for inspection, copying, or photographing; inspection of property.

Rule 243. (1) A party to a proceeding may serve upon another party a request to produce or permit the inspection and copying or photographing, by or on behalf of the requesting party, of any designated documents, papers, books, records, accounts, letters, photographs, objects, or tangible things, which are not privileged, which come within the scope of discovery permitted by rule 2.302(B) of the Michigan court rules, and which are in the party's possession, custody, or control.

(2) A party to a proceeding may serve upon another party a request to permit entry and inspection of the property under appeal by or on behalf of the requesting party.

(3) A party upon whom a request is served under subrule (1) or (2) of this rule shall serve a copy of the response to the request on the party or party's attorney or authorized representative submitting the request and on all other parties within 28 days of service of the request.

(4) If a party upon whom a request is served under subrule (1) or (2) of this rule does not comply with the request, then the tribunal may, upon motion or its own initiative, order the party to do either of the following:

(a) Produce or permit the inspection and copying or photographing, by or on behalf of the requesting party, of any designated documents, papers, books, records, accounts, letters, photographs, objects, or tangible things, which are not privileged and come within the scope of discovery permitted by rule 2.302(B) of the Michigan court rules, and which are in the party's possession, custody, or control.

(b) Permit entry and inspection of the property under appeal.

(5) The order may specify the time, place, and manner of making the production or permitting the inspection and copying or photographing of any designated documents, papers, books, records,

accounts, letters, photographs, objects, or tangible things or entry and inspection of the property under appeal. The order may prescribe other terms and conditions as are just.

(6) The tribunal may order a person who has been served with a subpoena duces tecum under R 792.10253 to produce or permit the inspection and copying or photographing of designated documents or other tangible things relevant to the subject matter of the pending proceeding and within the scope of discovery.

(7) If the party or person claims that the item is not in his, her, or its possession or control or that he, she, or it does not have information calculated to lead to discovery of the item's whereabouts, then he, she, or it may be ordered to submit to examination before a tribunal member or to other means of discovery regarding the claim.

R 792.10245 Consequences of refusal to make discovery.

Rule 245. If a party refuses to comply with an order issued under R 792.10239(3) or R 792.10243(4), then the tribunal may issue other orders in regard to the refusal as justice requires or as provided in R 792.10231.

R 792.10247 Prehearing conference; joint hearing and consolidation.

Rule 247. (1) Except as provided by R 792.10233 or as otherwise provided by the tribunal, a prehearing conference shall be held in all proceedings before the entire tribunal for scheduling a hearing in the proceeding.

(2) Not less than 14 days before the prehearing conference or as otherwise provided by the tribunal, each party shall file and exchange a prehearing statement in a form determined by the tribunal.

(3) The purposes of the prehearing conference are as follows:

(a) To specify, in a property tax appeal, the present use of the property, the use for which the property was designed, and the classification of the property.

(b) To specify all sums in controversy and the particular issues to which they relate.

(c) To specify the factual and legal issues to be litigated.

(d) To consider the formal amendment of all petitions and answers or their amendment by prehearing order, and, if desirable or necessary, to order that the amendments be made.

(e) To consider the consolidation of petitions for hearing, the separation of issues, and the order in which issues are to be heard.

(f) To consider admissions of fact to avoid unnecessary proofs, including the level of assessment and authenticity of documents, such as statutes, ordinances, charters, and regulations.

(g) To identify all witnesses.

(h) To identify all exhibits in support of the main case or defense and admit the authenticity of exhibits if possible.

(i) To estimate the time required for hearing.

(j) To discuss the possibility of settlement, including settlement efforts to date.

(k) To consider all other matters that may aid in the disposition of the proceeding.

(4) The administrative law judge who conducts the prehearing conference shall inquire of the parties as to whether or not all claims arising out of the appealed finding, ruling, determination, decision, or order have been joined. The answers to the inquiry and each finding, ruling, determination, decision, or order pertaining to the claims shall be included in the summary of the results of the conference.

(5) The administrative law judge who conducts the prehearing conference shall prepare, and cause to be served upon the parties or their representatives, not less than 14 days in advance of hearing, an order summarizing the results of the conference specifically covering each of the items stated in the rule. The summary of results controls the subsequent course of the proceeding unless modified at or before the hearing by the tribunal to prevent manifest injustice.

(6) When a proceeding is ready for prehearing as determined by the tribunal, the clerk shall schedule the matter for a prehearing conference at a time and place to be designated by the tribunal or shall place the proceeding on a prehearing general call.

(7) Notice of the date, time, and place of the prehearing conference shall be provided to the parties not less than 28 days before the date of the prehearing conference, unless otherwise provided by the tribunal.

(8) The clerk shall send notice of the prehearing general call and scheduling order to all parties whose case is placed on the prehearing general call not less than 28 days before the commencement of the prehearing general call, unless otherwise ordered by the tribunal. The notice shall set forth the time period in which the prehearing conference will be held and the dates for the filing and exchange of valuation disclosures, prehearing statements, and the closure of discovery.

(9) The tribunal may direct the parties or the parties' attorney or authorized representative to furnish it with a prehearing brief as to the legal issues involved in the proceeding and designate the manner and time for filing and serving of the briefs.

(10) Failure to appear at a duly scheduled prehearing conference may result in the dismissal of the appeal or the scheduling of a default hearing as provided in R 792.10231(4).

(11) Discovery shall not be conducted after completion of the prehearing conference, unless otherwise provided by the tribunal.

(12) If proceedings pending before the tribunal involve substantial and controlling common questions of fact or law, the tribunal may do 1 or all of the following:

- (a) Order a joint hearing for the proceedings on any or all matters at issue.
- (b) Order the consolidation of the proceedings.
- (c) Issue other orders concerning the proceedings as necessary to facilitate the efficient administration of justice.

R 792.10249 Stipulations.

Rule 249. A consent judgment may be entered upon submission of a stipulation with appropriate fee, if the stipulation is signed by all parties or their attorneys or authorized representatives and the stipulation is found to be acceptable to the tribunal. The stipulation shall be on a form made available by the tribunal or shall be in a written form that is in substantial compliance with the tribunal's form.

R 792.10251 Hearings.

Rule 251. (1) When a proceeding is ready for hearing, the clerk shall schedule the matter for a hearing at a time and place to be designated by the tribunal. The clerk shall send notice of the time, date, and place of a hearing to all parties or their attorneys or authorized representatives not less than 28 days before the hearing, unless otherwise provided by the tribunal.

(2) The tribunal may, on motion or its own initiative, adjourn a hearing.

R 792.10253 Subpoenas.

Rule 253. (1) On written request of a party to a proceeding, the tribunal, through the clerk, shall issue subpoenas for the attendance and testimony of witnesses and, if appropriate, the production of evidence at hearing or deposition, including, but not limited to, books, records, correspondence, and documents in their position or under their control.

(2) A party may serve a subpoena by mailing or delivery as provided by rule 2.105 of the Michigan court rules. However, a party may not serve a subpoena less than 3 business days before a scheduled hearing, unless otherwise provided by the tribunal.

(3) A witness to whom a subpoena has been issued may file a motion under R 792.10225 of these rules to revoke the subpoena if the evidence sought to be produced does not relate to a matter in issue, if the

subpoena does not describe the evidence sought with sufficient particularity, or if the subpoena is invalid for any legal reason.

(4) Proceedings to enforce a subpoena may be commenced in the circuit court for the county in which the hearing is held.

R 792.10255 Conduct of hearings.

Rule 255. (1) All hearings before the entire tribunal shall be recorded either electronically or stenographically, or both, in the discretion of the tribunal.

(2) Without leave of the tribunal, a witness may not testify as to the value of property without submission of a valuation disclosure signed by that witness and containing that witness' value conclusions and the basis for those conclusions. This does not preclude an expert witness from rebutting another party's valuation evidence. The expert witness may not, however, testify as to the value of the property at issue unless the expert witness submitted a valuation disclosure signed by that expert witness.

(3) If a witness is not testifying as to the value of property or as an expert witness, then his or her testimony in the form of opinions or inferences shall be limited to opinions or inferences that are rationally based on the perception of the witness and that are helpful to a clear understanding of his or her testimony or the determination of a fact in issue, as provided in rule 701 of the Michigan rules of evidence.

(4) The tribunal may direct the parties or the parties' attorney or authorized representative to furnish the tribunal with a post-hearing brief containing proposed findings of fact, conclusions of law, post-hearing arguments, or any combination thereof and designate the manner and time for filing and serving the briefs.

(5) The tribunal may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Tribunal may exclude irrelevant, immaterial, or unduly repetitious evidence. Effect shall be given to the rules of privilege recognized by law.

R 792.10257 Rehearings or reconsideration.

Rule 257. (1) The tribunal may order a rehearing or reconsideration of any decision or order upon its own initiative or the motion of any party filed within 21 days of the entry of the decision or order sought to be reheard or reconsidered. The filing of a motion for rehearing or reconsideration tolls the appeal period and any party shall have 21 additional days after a decision or denial of the motion for rehearing or reconsideration to appeal the decision or order to which the motion related.

(2) No response to the motion may be filed and there is no oral argument, unless otherwise provided by the tribunal.

R 792.10259 Witness fees.

Rule 259. A witness who is summoned to a hearing or other proceeding, or whose deposition is taken, shall receive the same fees and mileage as witnesses in the circuit courts of the state. A witness shall not be required to testify until the fees and mileage provided for have been tendered to him or her by the party at whose instance he or she has been subpoenaed.

SUBPART C. MATTERS BEFORE SMALL CLAIMS DIVISION.

R 792.10261 Scope.

Rule 261. The rules in subpart a and this subpart govern practice and procedure in all proceedings pending in the small claims division and shall be known as the small claims rules. If an applicable small

claims rule does not exist, then the entire tribunal rules shall govern, except for R 792.10257 and rules that pertain to discovery, which, in the small claims division, is by leave of the tribunal only.

R 792.10263 Jurisdiction.

Rule 263. (1) A property tax appeal petition contesting a property's state equalized or taxable value may be heard in the small claims division if any 1 of the following properties is exclusively involved:

- (a) Real property classified as residential.
- (b) Real property that has a principal residence exemption, as provided in section 7cc of 1893 PA 206, MCL 211.7cc.
- (c) Real property classified as agricultural.
- (d) Real property with less than 4 rental units.
- (e) Any other property where the value in contention is not more than the amount provided by section 62 of the act, MCL 205.762.

(2) A non-property tax appeal petition may be heard in the small claims division if the amount of tax in dispute is not more than the amount provided by section 62 of the act, MCL 205.762, exclusive of interest and penalty charges.

(3) A property tax appeal petition contesting a special assessment may be heard in the small claims division if the amount of the special assessment in dispute is not more than the amount provided by section 62 of the act, MCL 205.762.

R 792.10265 Records.

Rule 265. (1) A formal transcript shall not be taken for any proceeding conducted in the small claims division, unless otherwise provided by the tribunal.

(2) An informal transcript of a proceeding conducted in the small claims division is not a record of the proceeding, unless otherwise provided by the tribunal.

R 792.10267 Fees.

Rule 267. (1) There is no fee for the filing of a property tax appeal petition, a motion, or a stipulation for entry of consent judgment in a small claims division proceeding contesting a property's state equalized or taxable value, if the property has, at the time of the filing of the petition, a principal residence exemption of at least 50% for all tax years at issue.

(2) There is no fee for the filing of a property tax appeal petition, a motion, or a stipulation for entry of consent judgment in a small claims division proceeding contesting the denial of a poverty exemption only.

(3) For all other small claims appeals, the following fees shall be paid to the clerk upon filing:

(a) The fee for filing a property tax appeal petition contesting a property's state equalized or taxable value for property classified as residential real is 50% of the filing fee provided in R 792.10217(a). If the petition contains multiple, contiguous parcels of property owned by the same person, there shall be an additional \$25.00 fee for each additional parcel, not to exceed a total filing fee of \$1,000.00.

(b) The fee for filing a property tax appeal petition contesting a property's state equalized or taxable value for property that is not classified as residential real is the fee provided in R 792.10217(a).

(c) The fee for filing a property tax appeal petition contesting the denial of a principal residence or qualified agricultural exemption is \$25.00.

(d) The fee for filing a property tax appeal petition contesting a special assessment or a non-property tax appeal petition is \$100.00.

(e) The fee for filing a property tax appeal petition contesting the classification of property is \$75.00.

(f) The fee for filing a stipulation for entry of consent judgment instead of a property tax appeal or non-property tax appeal petition is \$25.00.

- (g) If a petition has been filed, the fee for filing a stipulation for entry of consent judgment is \$25.00.
- (h) The fee for filing a motion for immediate consideration or a motion for summary disposition or partial summary disposition is \$50.00.
- (i) The fee for filing a motion to withdraw a petition is \$0.00.
- (j) The fee for the filing of a stipulation or motion by an attorney or authorized representative who has entered an appearance in a proceeding to withdraw from or be substituted for in that proceeding is \$0.00.
- (k) The fee for the filing of all other motions is \$25.00.
- (l) The fee for the filing of multiple motions in a single document is the largest fee that would have been charged if each motion had been filed separately.
- (4) The fee for the certification of the record on appeal to the court of appeals is \$100.00.
- (5) The fee for copies of pleadings and other documents is \$.50/page.

R 792.10269 Petitioner's election of small claims division.

Rule 269. (1) A petitioner who wishes to have a matter heard in the small claims division shall elect to do so.

(2) A petitioner who files a defective petition with the tribunal and the tribunal is unable to determine the division of the tribunal in which the appeal is being filed will be presumed to have elected to have the matter heard in the small claims division, as provided in R 792.10219.

R 792.10271 Protest to local board of review; subsequent year assessments.

Rule 271. (1) For an assessment dispute as to the valuation or exemption of property classified as commercial personal property, industrial personal property, or utility personal property, the property's assessment shall be protested to the local board of review unless the statement of assessable personal property is filed, as required by section 19 of 1893 PA 206, MCL 211.19, prior to the commencement of the board of review, as provided by section 35a of the act, MCL 205.735a.

(2) For an assessment dispute as to the valuation or exemption of property classified as agricultural real or personal, residential, real or timber-cutover real, the property's assessment shall be protested to the local board of review, unless otherwise excused by law.

(3) The appeal for each subsequent year for which an assessment has been established is added automatically to the petition for an assessment dispute as to the valuation or exemption of property at the time of hearing. For this subrule, an assessment has been established once the board of review has confirmed the assessment roll at the statutorily required March board of review meeting.

(4) The tribunal may, on request and for good cause shown, exclude subsequent years from consideration at the time of hearing, if the subsequent years can be handled more expeditiously in a subsequent proceeding.

R 792.10273 Transfers.

Rule 273. (1) A party may, by motion and notice to the opposing party or parties, request a transfer of the proceeding from the small claims division to the entire tribunal.

(2) If the motion is filed with the tribunal after the notice of hearing in the proceeding has been issued by the tribunal, the parties shall appear at the hearing and be prepared to conduct the hearing, unless otherwise provided by the tribunal.

(3) If the request is granted, the moving party shall pay all entire tribunal filing fees and any reasonable costs incurred by the opposing party or parties as a result of the transfer, unless otherwise provided by the tribunal.

(4) With the permission of the petitioner, the tribunal may refer a proceeding properly pending in the small claims division to the entire tribunal.

R 792.10275 Appearance and representation.

Rule 275. (1) Petitioner's failure to appear or be represented at a scheduled hearing may result in a dismissal of the proceeding.

(2) The tribunal may, upon request of a party filed with the tribunal before the hearing scheduled in that proceeding, conduct a hearing in the absence of a party. If a hearing is conducted with a party being absent, then the tribunal shall render a decision based on the testimony provided by the opposing party or parties, if any, and all pleadings and written evidence properly submitted by all parties not less than 21 days before the date of the scheduled hearing or as otherwise provided by the tribunal under R 792.10287(1).

(3) A party, attorney, or authorized representative who appears before the small claims division shall conduct himself or herself with decorum.

R 792.10277 Commencement of proceedings.

Rule 277. (1) An appeal is commenced by mailing or delivering a petition to the tribunal with the appropriate filing fee within the time periods prescribed by statute and R 792.10219. An appeal may also be commenced by submitting a petition electronically to the tribunal within the time periods prescribed by statute, if provided for by the tribunal.

(2) The petition shall be on a form made available by the tribunal or shall be in a written form that is in substantial compliance with the tribunal's form.

(3) The petition shall set forth the facts upon which the petitioner relies in making petitioner's claim for relief.

(4) For property tax proceedings, a copy of the notice or action taken by the local board of review shall be attached, if available. For special assessment proceedings, a copy of the resolution confirming the special assessment roll shall be attached, if available. For non-property tax proceedings, a copy of the final assessment notice or other order being appealed shall be attached, if available.

(5) Any evidence attached to or submitted with a petition shall be served on the opposing party or parties or their attorney or authorized representative, as required by R 792.10287(1). Evidence not served on the opposing party or parties or their attorney or authorized representative may be excluded, as provided by R 792.10287(1).

R 792.10279 Answers.

Rule 279. (1) An answer to a petition shall be filed with the tribunal and served on the opposing party or parties within 28 days after the tribunal serves the notice of docket number and a copy of the petition on the respondent. Failure to file and serve the answer as required by this rule may result in the holding of respondent in default, as prescribed in R 792.10231 of these rules.

(2) The answer shall be on a form made available by the tribunal or shall be in the form of a written response that is in substantial compliance with the tribunal's form.

(3) The answer shall set forth the facts upon which the respondent relies in defense of the matter.

(4) For property tax proceedings, a copy of the notice or action taken by the local board of review and the property record card or cards for the assessments being appealed shall be attached. For special assessment proceedings, the answer shall specify the statutory authority under which the special assessment district was created and a copy of the resolution confirming the special assessment roll shall be attached. For non-property tax proceedings, a copy of the final notice of assessment or other order being appealed shall be attached.

(5) Any evidence attached to or submitted with the answer must be served on the opposing party or parties or their attorney or authorized representative, as provided by R 792.10287(1). Evidence not

served on the opposing party or parties or their attorney or authorized representative may be excluded, as provided by R 792.10287(1).

(6) Service of the answer and any evidence filed with the answer shall be made on the opposing party or parties unless an attorney or authorized representative has entered an appearance in the proceeding on behalf of that opposing party or parties and then service shall be made on the attorney or authorized representative.

(7) The party who files the answer shall also file with the tribunal a statement attesting to the service of the answer on the opposing party or parties or their attorney or authorized representative. The statement shall specify who was served with the answer and the date and method by which the answer was served. Failure to make proof of service does not affect the validity of the service.

R 792.10281 Stipulations.

Rule 281. A consent judgment may be entered upon submission of a stipulation with appropriate fee, if the stipulation is signed by all parties or their attorneys or authorized representatives and the stipulation is found to be acceptable to the tribunal. The stipulation shall be on a form made available by the tribunal or shall be in a written form that is in substantial compliance with the tribunal's form.

R 792.10283 Hearing sites; accessibility; accommodations.

Rule 283. (1) For property tax proceedings, the hearing may be conducted telephonically, by video conferencing, or in-person. If the hearing is in-person, the hearing shall be conducted in the county in which the property is located or in a county contiguous to the county in which the property is located or at a site agreed upon by the parties and approved by the tribunal. A rehearing by a tribunal member shall be at a site to be determined by the tribunal.

(2) For non-property tax proceedings, the hearing may be conducted telephonically, by video conferencing or in-person. If the hearing is in-person, the hearing shall be conducted at a site to be determined by the tribunal.

(3) For all proceedings, a video conference or in-person hearing shall be conducted in a location that is accessible to mobility-impaired individuals. Accessible parking shall also be available.

(4) A person who has a disability and who needs to be accommodated for effective participation in a hearing shall contact the tribunal in writing or telephonically not less than 7 days before the scheduled hearing date.

R 792.10285 Notice of hearing.

Rule 285. Notice shall be sent to the parties or their attorneys or authorized representatives of the time and date of the hearing, if telephonic, and the time, date, and place of the hearing, if by video conference or in-person, not less than 45 days before the hearing, unless otherwise ordered by the tribunal.

R 792.10287 Evidence.

Rule 287. (1) A copy of all evidence to be offered in support of a party's contentions shall be filed with the tribunal and served upon the opposing party or parties not less than 21 days before the date of the scheduled hearing, unless otherwise provided by the tribunal. Failure to comply with this subrule may result in the exclusion of the valuation disclosure or other written evidence at the time of the hearing because the opposing party or parties may have been denied the opportunity to adequately consider and evaluate the valuation disclosure or other written evidence before the date of the scheduled hearing.

(2) Service of the evidence shall be made on the opposing party or parties unless an attorney or authorized representative has entered an appearance in the proceeding on behalf of that opposing party or parties and then service shall be made on the attorney or authorized representative.

(3) The tribunal may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Effect shall be given to the rules of privilege recognized by law.

R 792.10289 Exceptions; filing of exceptions; “good cause” defined; service of exceptions; location of rehearing.

Rule 289. (1) A party may submit exceptions to a decision by a referee or an administrative law judge, other than tribunal member, by filing the exceptions with the tribunal and serving a copy on the opposing party or parties within 20 days of the entry of the decision. The exceptions are limited to the evidence submitted prior to or otherwise admitted at the hearing and any matter addressed in the proposed opinion and judgment and shall demonstrate good cause as to why the decision should be adopted, modified, or a rehearing held. For purposes of this subrule, “good cause” means error of law, mistake of fact, fraud, or any other reason the tribunal considers sufficient and material.

(2) The opposing party or parties may file and serve a response to the exceptions within 14 days of the service of the exceptions on that party.

(3) Service of the exceptions or response shall be made on the opposing party or parties unless an attorney or authorized representative has entered an appearance in the proceeding on behalf of that opposing party or parties and then service shall be made on the attorney or authorized representative.

(4) The party who files exceptions or a response shall also file with the tribunal, or include as a part of the exceptions or response, a statement attesting to the service of the exceptions or response on the opposing party or parties or their attorney or authorized representative. The statement shall specify who was served with the exceptions or response and the date and method by which the exceptions or response was served.

(5) A rehearing, if held, shall be conducted by a tribunal member in a manner to be determined by the tribunal and may be limited to the evidence considered at the hearing.

ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

PART 3. EMISSION LIMITATIONS AND PROHIBITIONS--PARTICULATE MATTER

Filed with the Secretary of State on March 25, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.5501 to 324.5542)

R 336.1310 of the Michigan Administrative Code is amended, and R 336.1330 of the Code is rescinded, as follows:

R 336.1310 Open burning.

Rule 310. (1) A person shall not cause or permit open burning of refuse, garbage, or any other waste materials, except for the burning of any of the following:

(a) Waste disposal material from and at 1- or 2-family dwellings that does not contain plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials, if the burning does not violate any other department rules.

(b) Structures and other materials used exclusively for fire prevention training.

(c) Trees, logs, brush, and stumps in accordance with applicable state and local regulations if the burning is not conducted within a priority I area as listed in table 33, a priority II area as listed in table 34, nor closer than 1400 feet to an incorporated city or village limit and if the burning does not violate any other department rules.

(d) Beekeeping equipment and products, including frames, hive bodies, hive covers, combs, wax, and honey, if burned for bee disease control.

(e) Logs, brush, charcoal, and similar materials that are used in preparing food or for recreation.

(f) Wooden fruit or vegetable storage bins constructed from untreated lumber if both of the following requirements are met:

(i) The burning is conducted for disease or pest control.

(ii) The burning is not conducted at any of the following locations:

(A) Within a priority I area as listed in table 33 or a priority II area as listed in table 34.

(B) In a city or village.

(C) Within 1,400 feet outside the boundary of a city or village.

(2) The exceptions specified in subrule (1) of this rule do not authorize open burning if prohibited by local law or regulation.

R 336.1330 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF HUMAN SERVICES

GENERAL RULES

Filed with the Secretary of State on March 25, 2013

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of social services by section 6 of 1930 PA 280, MCL 400.6)

R 400.400, R 400.410 and R 400.411 of the Michigan Administrative Code are rescinded.

PART 7. PROTECTION OF CHILDREN

INTERSTATE PLACEMENTS

R 400.400 Rescinded.

INTERCOUNTRY PLACEMENTS

R 400.410 Rescinded.

R 400.411 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MEDICINE - GENERAL RULES

Filed with the Secretary of State on March 12, 2013

These rules become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145 and 17001 of 1978 PA 368, MCL 333.16145 and 333.17001 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.2303 of the Michigan Administrative Code is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.2303 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

Filed with the Secretary of State on March 12, 2013

These rules become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145 and 17501 of 1978 PA 368, MCL 333.16145 and 333.17501, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.108 of the Michigan Administrative Code is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.108 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND REGULATORY
AFFAIRS**

BOARD OF OCCUPATIONAL THERAPISTS

GENERAL RULES

Proposed Draft February 6, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the ~~board of occupational therapists by section 16145 of Act No. 368 of the Public Acts of 1978, as amended, being §333.16145 of the Michigan Compiled Laws~~ **department of licensing and regulatory affairs by sections 16145(3) and 18307 of 1978 PA 368, MCL 333.16145(3) and 333.18307 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1 and 2011-4, MCL 330.3101, 445.2001, 445.2011 and 445.2030**)

NOTE: ~~Effective September 1, 1991, the powers, duties and functions of the Michigan Department of Licensing and Regulation were transferred to the Michigan Department of Commerce, pursuant to Executive Order 1991-9. Effective May 15, 1996, the powers, duties and functions of the Michigan Department of Commerce were transferred to the Michigan Department of Consumer and Industry Services, pursuant to Executive Order 1996-2. After May 15, 1996, all reference made to either the Department of Licensing and Regulation or the Department of Commerce in law or rule shall be construed to mean the Michigan Department of Consumer and Industry Services.~~

R 338.1191, R 338.1192, R 338.1194, R 338.1196, R 338.1197, R 338.1197a, R 338.1198, and R 338.1200 of the Michigan Administrative Code are rescinded, and R 338.1211, R 338.1212, R 338.1213, R 338.1221, R 338.1222, R 338.1223, R 338.1223a, R 338.1224, R 338.1225, R 338.1226, R 338.1227, R 338.1228, R 338.1229, R 338.1229a, R 338.1231, R 338.1232, R 338.1233, R 338.1233a, R 338.1234, R 338.1235, R 338.1236, R 338.1237, and R 338.1238 are added to the code, to read as follows:

R 338.1191 Definitions: Rescinded.

~~Rule 1. As used in these rules:~~

~~(a) "Board" means the board of occupational therapists.~~

~~(b) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.~~

~~(c) "Department" means the department of commerce.~~

R 338.1192 Registration requirement; effective date: Rescinded.

~~Rule 2. (1) Pursuant to the provisions of section 18303 of the code, a person shall discontinue using the following titles or similar words which indicate that the person is a certified occupational therapist unless the person is granted an occupational therapist registration pursuant to these rules:~~

- ~~(a) "Occupational therapist."~~
- ~~(b) "O.T. "~~
- ~~(c) "Occupational therapist registered."~~
- ~~(d) "O.T.R. "~~
- ~~(e) "Certified occupational therapist."~~
- ~~(f) "C.O.T. "~~

~~(2) Pursuant to the provisions of section 18303 of the code, a person shall discontinue using the following titles or similar words which indicate that the person is a certified occupational therapy assistant unless the person is granted an occupational therapy assistant registration pursuant to these rules:~~

- ~~(a) "Certified occupational therapy assistant."~~
- ~~(b) "C.O.T.A. "~~
- ~~(c) "Occupational therapy assistant."~~
- ~~(d) "O.T.A. "~~

R 338.1194 ~~Application for occupational therapist registration; requirements.~~ **Rescinded.**

~~Rule 4. An applicant for an occupational therapist registration, in addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, shall comply with all of the following provisions:~~

- ~~(a) Submit a completed application on a form provided by the department, together with the requisite fee.~~
- ~~(b) Demonstrate a working knowledge of the English language in accordance with the provisions of R 338.1200.~~
- ~~(c) Have graduated from an occupational therapist educational program that is acceptable to the board pursuant to the provisions of R 338.1198.~~
- ~~(d) Have passed the certification examination for occupational therapists, registered, which is conducted and scored by the national board for certification in occupational therapy.~~

R 338.1196 ~~Application for occupational therapy assistant registration; requirements.~~ **Rescinded.**

~~Rule 6. An applicant for an occupational therapy assistant registration, in addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, shall comply with all of the following provisions:~~

- ~~(a) Submit a completed application on a form provided by the department, together with the requisite fee.~~
- ~~(b) Demonstrate a working knowledge of the English language in accordance with the provisions of R 338.1200.~~
- ~~(c) Have graduated from an occupational therapy assistant educational program that is acceptable to the board pursuant to the provisions of R 338.1198.~~
- ~~(d) Have passed the certification examination for occupational therapy assistants which is conducted and scored by the national board for certification in occupational therapy.~~

R 338.1197 Registration by endorsement; occupational therapist. Rescinded.

~~—Rule 7. (1) An applicant for occupational therapist registration by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.~~

~~—(2) If an applicant was registered or licensed as an occupational therapist in another state before January 3, 1995, and has been registered or licensed as an occupational therapist in the other state for a minimum of 5 years before the date of filing an application for Michigan registration, then it will be presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code.~~

~~—(3) If an applicant does not meet the requirement of subrule (2) of this rule, then the applicant, in addition to meeting the requirements of the code, shall have been registered or licensed as an occupational therapist in another state after having graduated from an occupational therapy education program acceptable to the board pursuant to R 338.1198 and having passed the certification examination for occupational therapists that is conducted and scored by the national board for certification in occupational therapy.~~

R 338.1197a Registration by endorsement; occupational therapy assistant. Rescinded.

~~—Rule 7a. (1) An applicant for occupational therapy assistant registration by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.~~

~~—(2) If an applicant was registered or licensed as an occupational therapy assistant in another state before January 3, 1995, and has been registered or licensed as an occupational therapy assistant in the other state for a minimum of 5 years before the date of filing an application for Michigan registration, then it will be presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code.~~

~~—(3) If an applicant does not meet the requirement of subrule (2) of this rule, then the applicant, in addition to meeting the requirements of the code, shall have been registered or licensed as an occupational therapy assistant in another state after having graduated from an occupational therapy assistant education program acceptable to the board pursuant to R 338.1198 and having passed the certification examination for occupational therapy assistant that is conducted and scored by the national board for certification in occupational therapy.~~

R 338.1198 Educational program standards; adoption by reference. Rescinded.

~~—Rule 8. (1) The board approves the standards for accrediting occupational therapist educational programs adopted by the American medical association and the American occupational therapy association, incorporated, in 1983 and set forth in the document entitled "Essentials and Guidelines of an Accredited Educational Program for the Occupational Therapist." Copies of these standards may be obtained, at no cost, from the Michigan Board of Occupational Therapists, P.O. Box 30018, Lansing, Michigan 48909, or from the American Medical Association, 515 North State Street, Chicago, Illinois 60610. An occupational therapist educational program that is accredited by the committee on allied health education and accreditation of the American medical association is an occupational therapist educational program that is acceptable to the board.~~

~~—(2) The board approves and adopts by reference the standards set forth in the document entitled "Recommended Minimum Standards for the Education of Occupational Therapists," published by the~~

~~council of the world federation of occupational therapists in 1985. Copies of the standards may be obtained, at no cost, from the Michigan Board of Occupational Therapists, P.O. Box 30018, Lansing, Michigan 48909, or from the American Occupational Therapy Association, Incorporated, P.O. Box 1725, Rockville, Maryland 20850-0822. An occupational therapist educational program that meets these standards is an occupational therapist educational program that is acceptable to the board. An occupational therapist educational program that is approved by the world federation of occupational therapists is an occupational therapist educational program that is acceptable to the board.~~

~~–(3) The board approves and adopts the standards for approving occupational therapy assistant educational programs adopted by the American occupational therapy association, incorporated, in 1983 and set forth in the document entitled "Essentials and Guidelines of An Approved Educational Program for the Occupational Therapy Assistant." Copies of these standards may be obtained, at no cost, from the Michigan Board of Occupational Therapists, P.O. Box 30018, Lansing, Michigan 48909, or from the American Occupational Therapy Association, Incorporated, P.O. Box 1725, Rockville, Maryland 20850-0822. An occupational therapy assistant educational program that meets these standards is an occupational therapy assistant program that is acceptable to the board. An occupational therapy assistant program that is approved by the American occupational therapy association is an occupational therapy assistant program that is acceptable to the board.~~

R 338.1200 English language requirement. Rescinded.

~~–Rule 10. An applicant whose occupational therapist educational program or occupational therapy assistant educational program was taught in a language other than English shall demonstrate a working knowledge of the English language, in addition to meeting the other requirements of these rules. To demonstrate a working knowledge of the English language, an applicant shall establish that he or she has obtained a score of not less than 550 on the test of English as a foreign language that is administered by the educational testing service and obtained a score of not less than 50 on the test of spoken English that is administered by the educational testing service or passed other substantially equivalent English language proficiency examinations that assess all of the following:~~

~~–(a) Reading comprehension.~~

~~–(b) Speaking skills.~~

~~–(c) Listening skills.~~

~~–(d) The ability to write clearly, using complete sentences with correct spelling, punctuation, and word usage.~~

PART 1. DEFINITIONS

R 338.1211 Definitions.

Rule 11. As used in these rules:

- (a) "Board" means the board of occupational therapists.**
- (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.**
- (c) "Department" means the department of licensing and regulatory affairs.**
- (d) "Occupational therapist" means an individual who holds a current license to practice as an occupational therapist, under section 18301(1)(b) of the code.**
- (e) "Occupational therapy assistant" means an individual who holds a current license to practice as an occupational therapy assistant and delivers occupational therapy services under the**

supervision of and in partnership with an occupational therapist, under sections 16215 and 18301(1)(a) of the code.

PART 2. GENERAL PROVISIONS

R 338.1212 Prohibited conduct.

Rule 12. Prohibited conduct includes, but is not limited to, the following acts or omissions by an individual covered by these rules:

- (a) Practicing outside of the boundaries of professional competence, based on education, training, and experience.**
- (b) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.**
- (c) Refusing to provide professional service based on age, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.**
- (d) Willful or negligent failure to provide or arrange for provision of continuity of necessary therapeutic service; including but not exclusive to collaboration between the occupational therapist and occupational therapy assistant, patient and caregiver, and community.**
- (e) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes the client's interests secondary.**
- (f) Taking on a professional role when a personal, scientific, legal, financial, or other relationship could impair the exercise of professional discretion or make the interests of a patient, client, or student secondary to those of the licensee.**
- (g) Being involved in a dual or multiple relationship with a current or former patient or client or a member of the individual's immediate family or a student, when there is a risk of harm to, or exploitation of, the patient, client or student. As used in this rule, "dual or multiple relationship" means a relationship in which a licensee is in a professional role with an individual and 1 or more of the following occurs at the same time:**
 - (i) The licensee exploits any current or former professional relationship to further the licensee's personal, religious, political, business or financial interests, including inducing a patient, client, or student to solicit business on behalf of the licensee.**
 - (ii) The licensee solicits or engages in a sexual relationship with a current patient, client or student.**
 - (iii) The licensee solicits or engages in a sexual relationship with an individual, other than a consenting adult, to whom the licensee is delegating the performance of limited assessments, tasks, or interventions in the treatment of a patient or client.**

R 338.1213 English language requirement.

Rule 13. An applicant whose occupational therapist or occupational therapy assistant educational program was taught in a language other than English shall meet the requirements of the code and these rules and shall demonstrate a working knowledge of the English language. To demonstrate a working knowledge of the English language, an applicant shall establish that the applicant has obtained a total score of not less than 89 on the test of English as a foreign language internet-based test (toefl ibt) administered by the educational testing service and obtained the following section scores:

- (i) Not less than 21 on the reading section.**

- (ii) Not less than 18 on the listening section.
- (iii) Not less than 26 on the speaking section.
- (iv) Not less than 24 on the writing section.

PART 3. OCCUPATIONAL THERAPISTS

R 338.1221 License required; use of words, titles, or letters.

Rule 21. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapist unless the person is granted an occupational therapist license under these rules:

- (a) "Occupational therapist."
- (b) "O.T."
- (c) "Occupational therapist licensed."
- (d) "O.T.L."
- (e) "Occupational therapist registered."
- (f) "O.T.R."
- (g) "Occupational therapist registered licensed."
- (h) "O.T.R.L."

R 338.1222 Educational program standards; occupational therapist; adoption by reference.

Rule 22. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapist educational programs in the documents entitled "Accreditation Standards for a Doctoral-Degree Level Educational Program for the Occupational Therapist," and "Accreditation Standards for a Master's-Degree Level Educational Program for the Occupational Therapist," adopted by the accreditation council for occupational therapy education (acote) in December 2006 and which were effective January 1, 2008. Copies of these standards are available at no cost from the American occupational therapy association (aota), incorporated, website at <http://www.aota.org/Educate/Accredit/StandardsReview.aspx>. Copies of the standards are also available for inspection and distribution at cost from the Michigan Board of Occupational Therapists, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapists that is accredited by the acote qualifies as an occupational therapist educational program approved by the board.

(3) The board approves and adopts by reference in these rules the standards in the document entitled "Recommended Minimum Standards for the Education of Occupational Therapists" published by the council of the world federation of occupational therapists in 2002. Copies of these standards are available for purchase on the world federation of occupational therapists (wfot) website at <http://www.wfot.org> at a cost of \$25.00 as of the adoption of these rules. The standards are also available for inspection at cost from the department at the address listed in subrule (1) of this rule.

(4) Any educational program for occupational therapists that is approved by the wfot qualifies as an occupational therapist educational program approved by the board.

(5) Any bachelor's level educational program for occupational therapists that was operating before December 31, 2006, and accredited by the acote or approved by the wfot qualifies as an occupational therapist educational program approved by the board.

R 338.1223 Application for occupational therapist license; requirements.

Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Graduate from an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board under R 338.1222 or meet the requirements of R 338.1225.

(b) Pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.

(d) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.

Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form provided by the department within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Have maintained certification as an occupational therapist by the national board for certification in occupational therapy (nbcot) after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.

(c) Submit documentation acceptable to the board verifying that the applicant has engaged in the practice of occupational therapy for not less than 1,000 hours during the 12 months immediately preceding the date of application.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.1224 Examinations; occupational therapist; adoption and approval; passing scores.

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the nbcot as the licensure examination

for occupational therapists in this state. The board shall adopt the passing score recommended by the nbcot for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1225 Graduate of non-accredited postsecondary institution; occupational therapist; equivalency of education.

Rule 25. (1) An applicant who graduated from a non-accredited postsecondary institution shall establish that the applicant completed an occupational therapist educational program that is substantially equivalent to an occupational therapist program that is accredited by the acote or approved by the wfot, as provided in R 338.1222.

(2) The department shall accept as proof of an applicant's completion of the educational requirements documentation provided directly to the department from the nbcot verifying the applicant passed the nbcot certification examination for occupational therapists.

R 338.1226 Licensure by endorsement; occupational therapist; requirements.

Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with both of the following:

(a) Pass the nbcot certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the aota.

(b) Pass the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with all of the following:

(a) Graduate from an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222 or graduated from an occupational therapist educational program determined to be substantially equivalent to an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222.

(b) Meet the requirements of subrule (2)(a) and (b) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration

or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.1227 Requirements for relicensure; occupational therapist.

Rule 27. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code if the applicant meets both of the following requirements:

- (a) Submits the required fee and a completed application on a form provided by the department.
- (b) Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code if the applicant meets the requirements of subrule (1) of this rule and either of the following requirements:

- (a) Takes and passes the nbcot's certification examination for occupational therapists with a score adopted by the board under R 338.1224(1).

- (b) Presents evidence to the department that he or she was registered or licensed as an occupational therapist in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228 and the duration of the experience shall be as follows:

- (a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

- (b) If the applicant's license has lapsed for 7 to 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

- (c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be renewed.

R 338.1228 Supervised practice experience; occupational therapist; requirements.

Rule 28. (1) The supervised practice experience required for relicensure under R 338.1227 shall comply with both of the following:

- (a) The supervised practice experience shall be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience shall consist of, at a minimum, professional and clinical instruction in all of the following areas:

- (a) Referral process.
- (b) Screening process.
- (c) Evaluations.
- (d) Intervention plans.
- (e) Intervention strategies.
- (f) Discontinuation; referral for other services.

(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license shall count toward the experience requirement.

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of selected limited assessments, tasks or interventions to an occupational therapy assistant as permitted under section 16215 of the code shall supervise the occupational therapy assistant consistent with section 16109(2) of the code and satisfy the requirements of this rule. As used in this rule, “limited assessment” means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.

(2) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall ensure the qualifications of the occupational therapy assistant under the occupational therapist’s supervision, including verification of the occupational therapy assistant’s training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant’s performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision shall be determined based on the occupational therapy assistant’s education, training, and experience and means 1 of the following:

(a) “General supervision” means that the occupational therapist is not required to be physically present on site, but shall be continuously available at the time the limited assessment, task, or intervention is performed. Continuously available includes availability by telecommunication or other electronic device.

(b) “Direct supervision” means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact with the patient or client during each visit.

(4) An occupational therapist who delegates limited assessments, tasks or interventions under subrules (2) and (3) of this rule shall also comply with all of the following:

(a) Examine and evaluate the patient or client before delegating limited assessments, tasks, or interventions to be performed by an occupational therapy assistant.

(b) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.

(c) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that have been delegated.

(d) Monitor an occupational therapy assistant's practice and provision of assigned limited assessments, tasks or interventions.

(e) Under section 16213 of the code, maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated.

(f) Meet in person at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to evaluate the assistant's performance, review client or patient records, and educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development. The occupational therapist shall maintain documentation of the meeting that has been signed by both the occupational therapist and the occupational therapy assistant. Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under subrules (3) and (4) of this rule.

(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:

(a) The sole development of a treatment plan.

(b) The sole evaluation and interpretation of evaluation results.

(6) An occupational therapist shall not supervise more than 3 occupational therapy assistants at the same time.

R 338. 1229a Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule 29a. (1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code shall supervise the unlicensed individual consistent with section 16109(2) of the code and satisfy the requirements of this rule. As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapist who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. As used in this subrule, "direct supervision" means that the occupational therapist is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapist has direct contact with the patient or client during each visit.

(3) An occupational therapist who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

(a) Ensure the qualifications of the unlicensed individual under the occupational therapist's direct supervision, including verification of the unlicensed individual's training and education.

(b) Examine and evaluate the patient or client before delegating tasks to be performed by an unlicensed individual.

(c) Supervise an unlicensed individual to whom tasks have been delegated.

(d) Provide predetermined procedures and protocols for tasks that have been delegated.

(e) Under section 16213 of the code, maintain a record of the names of the unlicensed individuals to whom tasks have been delegated.

(f) Monitor an unlicensed individual's practice and provision of assigned tasks.

(4) An occupational therapist shall not supervise more than 3 unlicensed individuals at the same time.

(5) An occupational therapist shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.

(6) Under section 16171 of the code, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acote accredited or wfot approved occupational therapist educational program or an acote accredited occupational therapy assistant educational program approved by the board.

PART 4. OCCUPATIONAL THERAPY ASSISTANTS

R 338.1231 License required; occupational therapy assistant; use of words, titles, or letters.

Rule 31. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapy assistant unless the person is granted an occupational therapy assistant license under these rules:

- (a) "Certified occupational therapy assistant."
- (b) "C.O.T.A."
- (c) "Certified occupational therapy assistant licensed."
- (d) "C.O.T.A.L."
- (e) "Occupational therapy assistant."
- (f) "O.T.A."
- (g) "Occupational therapy assistant licensed."
- (h) "O.T.A.L."

R 338.1232 Educational program standards; occupational therapy assistant; adoption by reference.

Rule 32. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapy assistant educational programs in the document entitled "Accreditation Standards for an Educational Program for the Occupational Therapy Assistant," adopted by the accreditation council for occupational therapy education (acote) in August 2006 and which were effective January 1, 2008. Copies of these standards are available at no cost from the American occupational therapy association (aota), incorporated, website at <http://www.aota.org/Educate/Accredit/StandardsReview.aspx> . Copies of the standards are also available for inspection and distribution at cost from the Michigan Board of Occupational Therapists, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapy assistants that is accredited by the acote qualifies as an occupational therapy assistant educational program approved by the board.

R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the

requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.
- (b) Pass an occupational therapy assistant licensure examination that is approved by the board.
- (c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.
- (d) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.

R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements.

Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form provided by the department within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Maintain certification as an occupational therapy assistant by the ~~nbcot~~ national board for certification in occupational therapy (nbcot) after the registration lapsed.
 - (b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.
 - (c) Submit documentation acceptable to the board verifying that the applicant has engaged in the practice of occupational therapy for not less than 1,000 hours during the 12 months immediately preceding the date of application.
- (2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.

Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the nbcot as the licensure examination for occupational therapy assistants in this state. The board shall adopt the passing score recommended by the nbcot for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.

Rule 36. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with both of the following:

(a) Have passed the nbcot certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Pass the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with all of the following:

(a) Have graduated from an acote accredited occupational therapy assistant educational program that meets the standards adopted by the board in R 338.1232.

(b) Meet the requirements of subrules (2)(a) and (b) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.1236 Requirements for relicensure; occupational therapy assistant.

Rule 37. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code if the applicant meets both of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code if the applicant meets the requirements of subrule (1) of this rule and either of the following requirements:

(a) Takes and passes the nbcot's certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Presents evidence to the department that he or she was registered or licensed as an occupational therapy assistant in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237 and the duration of the experience shall be as follows:

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 to 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be renewed.

R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.

Rule 38. (1) The supervised practice experience required for relicensure under R 338.1236 shall comply with all of the following:

(a) The supervised practice experience shall be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience shall consist of, at a minimum, professional and clinical instruction in all of the following areas:

(a) Referral process.

(b) Screening process.

(c) Evaluations.

(d) Intervention plans.

(e) Intervention strategies.

(f) Discontinuation; referral for other services.

(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license shall count toward the experience requirement.

R 338.1238 Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule 39. (1) An occupational therapy assistant who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code shall supervise the unlicensed individual consistent with section 16109(2) of the code and satisfy the requirements of

this rule. As used in this rule, “unlicensed individual” means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapy assistant who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. As used in this subrule, “direct supervision” means that the occupational therapy assistant is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapy assistant has direct contact with the patient or client during each visit.

(3) An occupational therapy assistant who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

(a) Ensure the qualifications of the unlicensed individual under the occupational therapy assistant’s direct supervision, including verification of the unlicensed individual’s training and education.

(b) Examine the patient or client before delegating tasks to be performed by an unlicensed individual.

(c) Supervise an unlicensed individual to whom tasks have been delegated.

(d) Follow predetermined procedures and protocols for tasks that have been delegated.

(e) Under section 16213 of the code, maintain a record of the names of the unlicensed individuals to whom tasks have been delegated.

(f) Monitor an unlicensed individual’s practice and provision of assigned tasks.

(g) Delegate only those tasks to an unlicensed individual that are within the occupational therapy assistant’s responsibilities as delegated by the supervising occupational therapist.

(4) An occupational therapy assistant shall not supervise more than 3 unlicensed individuals at the same time.

(5) An occupational therapy assistant shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.

(6) Under section 16171 of the code, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acute accredited or wfo approved occupational therapist educational program or an acute accredited occupational therapy assistant educational program approved by the board.

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
BOARD OF OCCUPATIONAL THERAPISTS – GENERAL RULES
MAY 21, 2013
1:00 P.M.
RULE SET # 2009-062 LR**

The Department of Licensing and Regulatory Affairs will hold a public hearing on Tuesday, May 21, 2013, starting at 1:00 p.m. at the Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, Conference Room 1, Upper Level, Lansing, Michigan.

The public hearing is being held to receive comments on the proposed rules that will implement the requirements of Public Act 523 of 2008, which took effect on January 13, 2009. Public Act 523 requires the licensure of occupational therapists and occupational therapist assistants and the proposed rules will establish requirements for the licensure and relicensure of occupational therapists and occupational therapist assistants. In addition, the proposed rules will adopt program accreditation standards; adopt an examination for occupational therapists and occupational therapist assistants; clarify what constitutes prohibited conduct for occupational therapists and occupational therapist assistant; and set forth delegation requirements.

These rules are being promulgated under the authority of sections 16145(3) and 18301 of 1978 PA 368, MCL 333.16145(3) and MCL 333.18301 et seq. and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 333.3101, MCL 445.2001, MCL 445.2011, and MCL 445.2030. The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules.

Comments on the proposed rules may be presented in person at the public hearing. Written comments may be submitted at the time of presentation and will also be accepted until 5:00 p.m. on May 23, 2013, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Health Care Services – Occupational Therapists Rules Public Hearing
P.O. Box 30670, Lansing, MI 48909-8170
Attention: Kelly Hugh, Policy Analyst
E-mail address: hughk@michigan.gov

A copy of the proposed rules may be obtained by contacting Kelly Hugh at (517) 241-1138 or at hughk@michigan.gov. Electronic copies also may be obtained at the following link: <http://www7.dleg.state.mi.us/orr/Rules.aspx?type=dept&id=LR>.

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate individuals with disabilities and accessible parking is available. An individual who requires accommodations in order to participate in a hearing should call Shellayne Grimes at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance of the public hearing.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 RULE FILINGS)**

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
29.2901	A	5	205.1205	R	6	205.1332	R	6
29.2902	A	5	205.1208	R	6	205.1333	R	6
29.2903	A	5	205.1210	R	6	205.1335	R	6
29.2904	A	5	205.1215	R	6	205.1340	R	6
29.2905	A	5	205.1220	R	6	205.1342	R	6
29.2906	A	5	205.1222	R	6	205.1345	R	6
29.2907	A	5	205.1225	R	6	205.1348	R	6
29.2908	A	5	205.1228	R	6	209.1	*	5
29.2909	A	5	205.1230	R	6	209.31	*	5
29.2910	A	5	205.1235	R	6	285.138.1	R	5
29.2911	A	5	205.1240	R	6	299.3301	R	2
29.2912	A	5	205.1245	R	6	299.3302	R	2
29.2913	A	5	205.1247	R	6	299.3303	R	2
29.2914	A	5	205.1249	R	6	299.3304	R	2
29.2915	A	5	205.1250	R	6	299.3305	R	2
29.2916	A	5	205.1252	R	6	299.3306	R	2
29.2917	A	5	205.1255	R	6	299.3307	R	2
29.2918	A	5	205.1257	R	6	299.3308	R	2
29.2919	A	5	205.1260	R	6	299.3309	R	2
29.2920	A	5	205.1264	R	6	299.3310	R	2
29.2921	A	5	205.1270	R	6	299.3311	R	2
29.2922	A	5	205.1275	R	6	299.3312	R	2
29.2923	A	5	205.1278	R	6	299.3313	R	2
29.2924	A	5	205.1280	R	6	299.3314	R	2
29.2925	A	5	205.1281	R	6	299.3315	R	2
29.2926	A	5	205.1283	R	6	299.3316	R	2
205.1101	R	6	205.1285	R	6	299.3317	R	2
205.1111	R	6	205.1288	R	6	299.3318	R	2
205.1115	R	6	205.1290	R	6	299.3319	R	2
205.1120	R	6	205.1301	R	6	299.5105	R	2
205.1125	R	6	205.1303	R	6	299.5107	R	2
205.1130	R	6	205.1305	R	6	299.5109	R	2
205.1135	R	6	205.1307	R	6	299.5111	R	2
205.1140	R	6	205.1312	R	6	299.5113	R	2
205.1145	R	6	205.1313	R	6	299.5117	R	2
205.1150	R	6	205.1315	R	6	299.5401	R	2
205.1155	R	6	205.1317	R	6	299.5403	R	2
205.1201	R	6	205.1320	R	6	299.5405	R	2
205.1202	R	6	205.1330	R	6	299.5407	R	2

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2013 MR 6 – April 15, 2013

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
299.5409	R	2	325.60154	*	6	338.3257	R	5
299.5411	R	2	325.60155	*	6	338.3258	R	5
299.5413	R	2	325.60156	*	6	338.3259	R	5
299.5415	R	2	325.60157	*	6	338.3261	R	5
299.5530	R	2	325.60158	*	6	338.3262	R	5
299.5532	R	2	325.60159	*	6	338.3263	R	5
299.5534	R	2	325.60160	*	6	338.3264	R	5
299.5536	R	2	325.60161	*	6	338.3265	R	5
299.5538	R	2	325.60151a	A	6	338.3266	R	5
299.5540	R	2	336.1310	*	6	338.3267	R	5
299.5732	R	2	336.1330	R	6	338.3268	R	5
299.5742	R	2	338.7	*	6	338.3269	R	5
299.5901	R	2	338.108	R	6	338.3270	R	5
299.5903	R	2	338.3201	R	5	338.3281	R	5
299.5905	R	2	338.3202	R	5	338.3282	R	5
299.5907	R	2	338.3204	R	5	338.3283	R	5
299.5909	R	2	338.3206	R	5	338.3284	R	5
299.5911	R	2	338.3208	R	5	338.3291	R	5
299.5913	R	2	338.3218	R	5	338.3292	R	5
299.5915	R	2	338.3219	R	5	338.3295	R	5
299.5917	R	2	338.3220	R	5	338.3301	R	5
299.5919	R	2	338.3221	R	5	338.3302	R	5
324.1501	R	2	338.3231	R	5	338.3303	R	5
324.1502	R	2	338.3232	R	5	338.3304	R	5
324.1503	R	2	338.3233	R	5	338.3307	R	5
324.1504	R	2	338.3234	R	5	338.3311	R	5
324.1505	R	2	338.3235	R	5	338.3312	R	5
324.1506	R	2	338.3236	R	5	338.3313	R	5
324.1507	R	2	338.3238	R	5	338.3314	R	5
324.1508	R	2	338.3239	R	5	338.3317	R	5
324.1509	R	2	338.3241	R	5	338.3321	R	5
324.1509a	R	2	338.3242	R	5	338.3324	R	5
324.1510	R	2	338.3243	R	5	338.3327	R	5
324.1511	R	2	338.3251	R	5	338.3331	R	5
325.51101	*	6	338.3252	R	5	338.3332	R	5
325.51105	*	6	338.3253	R	5	338.3335	R	5
325.51108	*	6	338.3254	R	5	338.3341	R	5
325.51101a	A	6	338.3255	A	5	338.3345	R	5
325.60151	*	6	338.3256	A	5	338.3451	R	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
338.3455	R	5	408.10579	*	1	408.30043	*	6
338.3456	R	5	408.10580	*	1	408.30046	*	6
338.3461	R	5	408.10582	*	1	408.30049	*	6
338.3463	R	5	408.10590	*	1	408.30052	*	6
338.3464	R	5	408.10761	R	1	408.30055	*	6
338.3465	R	5	408.10763	R	1	408.30002	A	6
338.3466	R	5	408.10765	*	1	408.40102	*	6
338.23030	R	6	408.10801	*	1	408.40114	*	6
339.22501	R	5	408.10807	*	1	408.40116	*	6
339.22503	R	5	408.10823	*	1	408.40119	*	6
339.22505	R	5	408.10914	*	1	408.40121	*	6
339.22507	R	5	408.10925	*	1	408.40122	*	6
339.22509	R	5	408.10999	*	1	408.40127	*	6
339.22511	R	5	408.11432	*	6	408.40128	*	6
339.22513	R	5	408.11431	R	6	408.40130	*	6
339.22515	R	5	408.11434	R	6	408.40131	*	6
339.22517	R	5	408.11724	*	6	408.40132	*	6
339.22519	R	5	408.11725	*	6	408.40133	*	6
339.22521	R	5	408.14246	*	6	408.40134	*	6
339.22523	R	5	408.14263	*	6	408.40133	R	6
339.22525	R	5	408.14267	*	6	408.40125	R	6
339.22527	R	5	408.14269	*	6	408.40126	R	6
339.22529	R	5	408.14273	*	6	408.40617	*	6
339.23101	*	5	408.14231	R	6	408.40621	*	6
339.23102	*	5	408.16511	*	6	408.40622	*	6
340.1121	*	6	408.16528	*	6	408.40623	*	6
340.1122	*	6	408.17125	R	6	408.40624	*	6
340.1123	R	6	408.30001	*	6	408.40625	*	6
340.1124	R	6	408.30007	*	6	408.40626	*	6
400.400	R	6	408.30013	*	6	408.40631	*	6
400.410	R	6	408.30016	*	6	408.40634	*	6
400.411	R	6	408.30019	*	6	408.40635	*	6
408.48	*	5	408.30022	*	6	408.40627	R	6
408.59	*	5	408.30025	*	6	408.40632	R	6
408.10413	R	1	408.30028	*	6	408.40641	R	6
408.10421	*	1	408.30031	*	6	408.40709	*	6
408.10509	*	1	408.30034	*	6	408.40711	*	6
408.10541	*	1	408.30037	*	6	408.40712	*	6
408.10570	*	1	408.30040	*	6	408.40721	*	6

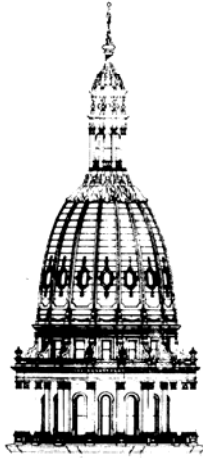
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.40722	*	6	408.42405	*	1	491.165	R	3
408.40743	*	6	408.42406	*	1	491.170	R	3
408.40744	*	6	408.42407	*	1	491.175	R	3
408.40746	*	6	408.42502	*	1	491.180	R	3
408.40751	*	6	408.42503	*	1	491.185	R	3
408.40761	*	6	408.42518	*	1	491.190	R	3
408.40714	R	6	408.42520	*	1	491.195	R	3
408.40729	R	6	408.42521	*	1	491.197	R	3
408.40742	R	6	408.42522	*	1	550.402	A	6
408.40932	*	6	408.42524	*	1	550.403	A	6
408.40933	*	6	408.42525	*	1	550.404	A	6
408.40941	*	6	408.42526	*	1	792.10201	A	6
408.40851	*	6	408.42527	*	1	792.10203	A	6
408.40946	R	6	408.42528	*	1	792.10205	A	6
408.40952	R	6	408.42531	*	1	792.10207	A	6
408.41610	*	1	408.42532	*	1	792.10209	A	6
408.41627	*	1	408.42533	*	1	792.10211	A	6
408.41633	*	1	408.42534	R	1	792.10213	A	6
408.41658	*	1	408.42535	R	1	792.10215	A	6
408.41719	*	1	408.42602	*	1	792.10217	A	6
408.41725	*	1	408.42644	*	1	792.10219	A	6
408.41728	*	1	436.1335	R	5	792.10221	A	6
408.42031	*	6	484.71	*	6	792.10223	A	6
408.42034	*	6	484.72	*	6	792.10225	A	6
408.42041	*	6	484.73	*	6	792.10227	A	6
408.42043	*	6	484.74	*	6	792.10229	A	6
408.42045	*	6	484.75	*	6	792.10231	A	6
408.42046	*	6	491.101	R	3	792.10233	A	6
408.42047	*	6	491.110	R	3	792.10237	A	6
408.42131	R	1	491.115	R	3	792.10239	A	6
408.42145	R	1	491.120	R	3	792.10241	A	6
408.42149	*	1	491.125	R	3	792.10243	A	6
408.42156	*	1	491.130	R	3	792.10245	A	6
408.42157	*	1	491.135	R	3	792.10247	A	6
408.42159	*	1	491.140	R	3	792.10249	A	6
408.42160	R	1	491.145	R	3	792.10251	A	6
408.42402	*	1	491.150	R	3	792.10253	A	6
408.42403	*	1	491.155	R	3	792.10255	A	6
408.42404	*	1	491.160	R	3	792.10257	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue
792.10259	A	6
792.10261	A	6
792.10263	A	6
792.10265	A	6
792.10267	A	6
792.10269	A	6
792.10271	A	6
792.10273	A	6
792.10275	A	6
792.10277	A	6
792.10279	A	6
792.10281	A	6
792.10283	A	6
792.10285	A	6
792.10287	A	6
792.10289	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



**CUMULATIVE
INDEX**

A

**AGRICULTURE AND RURAL DEVELOPMENT, DEPARTMENT OF
Correction**

Regulation No. 569 Smoked Fish (2013-2)

Farmland and Open Space Preservation (2013-2*)
Regulation No. 138 Record (2013-5)

C

CIVIL RIGHTS, DEPARTMENT OF
Qualified Interpreter – General Rules (2013-3*)

E

EDUCATION, DEPARTMENT OF
Education of Pregnant Students (2013-6)

ENVIRONMENTAL QUALITY, DEPARTMENT OF
Repeal

Repeal MCL 324.14701 to 324.14705 (2013-2)
Repeal MCL 324.1401 to 324.1429 (2013-2)
Repeal PA 446 of 2012 (2013-2)

Part 3. Emissions Limitations and Prohibitions – Particulate Matter (2013-6)
Part 4. Emissions Limitations and Prohibitions – Sulfur Bearing Compounds (2013-6)
Part 9. Emissions Limitations and Prohibitions – Miscellaneous (2013-6)

EXECUTIVE OFFICE

Executive Reorganization

No. 1 (2013-2)
No. 2 (2013-2)
No. 3 (2013-2)
No. 4 (2013-3)
No. 5 (2013-3)
No. 6 (2013-3)
No. 7 (2013-3)

H

HUMAN SERVICES, DEPARTMENT OF

Interstate Placement (2013-6)
Licensing Rules for Child Care Centers (2013-1*)

L

**LICENSING AND REGULATORY AFFAIRS, DEPARTMENT OF
Correction**

Massage Therapy Rules (2013-3)
Workers' Compensation Health Care Services Rules (2013-3)

Emergency Rule

Board of Pharmacy (2013-1)

Repeal

Repeal PA 503 of 2012 (2013-3)
Repeal PA 48 & 49 of 2010 (2013-5)

Accounting – General Rules (2013-3*)
Advertising (2013-5)
Architects – General Rules (2013-2*)
Audiology – General Rules (2013-6)
Board of Real Estate Appraisers - General Rules (2013-5)
Building Official, Plan, Reviewers, and Inspectors (2012-6)
Fireworks Safety - General Rules (2013-5)
Medicine – General Rules (2013-6)
Occupational Therapist – General Rules (2013-6*)
Osteopathic Medicine and Surgery – General Rules (2013-6)
Part 1 General Rules (2013-6)
Part 4.Portable Ladders GI (2013-1)
Part 5.Scaffolding GI (2013-1)
Part 6 Personal Protective Equipment (2013-6)
Part 7.Guards for Power Transmission GI (2013-1)
Part 7. Plumbing Code (2013-3*)
Part 7 Welding and Cutting (2013-6)
Part 8 Electrical Code (2013-1*)
Part 8.Portable Fire Extinguishers GI (2013-1)
Part 9 Excavation, Trenching, and Shoring (2013-6)
Part 9.Fixed Fire Equipment GI (2013-1)

Part 9A Mechanical Code (2013-1*)
Part 11 Polishing, Buffering & Abrading GI (2013-5*)
Part 12 Welding and Cutting GI (2013-3*)
Part 14 Conveyors (2013-6)
Part 14 Tunnels, Shafts, Caissons, and Cofferdams (2013-2*)
Part 14 Conveyors
Part 16. Power Transmission and Distribution CS (2013-1)
Part 17. Electrical Installation CS (2013-1)
Part 17 Refuse Packer Units (2013-6)
Part 18 Overhead and Gantry Cranes GI (2013-5*)
Part 20 Demolition (2013-6)
Part 21. Guarding of Walking and Working Areas CS (2013-1)
Part 21 Powered Industrial Trucks GI (2013-5*)
Part 24. Tar Kettles CS (2013-1)
Part 25. Concrete Construction CS (2013-1)
Part 26. Steel Erection CS (2013-1)
Part 30 Telecommunications CS (2013-5*)
Part 42 Forging (2013-6)
Part 44 Foundries GI (2013-1*)
Part 45 Die Casting GI (2013-1*)
Part 57 Oil and Gas Drilling and Servicing Operations GI (2013-1*)
Part 58 Aerial Work Platforms GI (2013-5*)
Part 62 Plastic Molding GI (2013-1*)
Part 65 Mills and Calendars for Rubber and Plastic (2013-6)
Part 71 Laundry and Dry Cleaning Machinery and Operations (2013-6)
Part 72 Automotive Service Operations GI (2013-1*)
Part 73 Fire Brigades GI (2013-1*)
Part 74 Fire Fighting GI (2013-5*)
Part 301 Air Contaminants for General Industry (2013-6)
Part 305 Asbestos Standards for General Industry OH (2013-5*)
Part 309 Cadmium OH (2013-1*)
Part 478 Illumination OH (2013-5*)
Part 601 Air Contaminants for Construction (2013-6)
Part 602 Asbestos Standards for Construction OH (2013-5*)
Professional Engineers – General Rules (2013-2*)
Professional Surveyors – General Rules (2013-2*)
State Boundary Commission (2013-1*)
Survey and Remonumentation (2013-3*)
Tax Tribunal Rules of Practice and Procedure (2013-6)
Unbundled Network Element and Local Interconnection Services (2013-6)
Workers' Compensation Agency - General Rules (2013-5)

N

NATURAL RESOURCES, DEPARTMENT OF
Natural River Zoning (2013-3*)

S

STATE POLICE, DEPARTMENT OF

Public Safety Officers Benefit Program (2013-5*)

T

TREASURY, DEPARTMENT OF

General Rules (2013-5)

Health Insurance Claims Assessment Act (2013-6)

Lottery (2013-3*)

**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2012 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2013 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

April 10, 2013
Through PA 13 of 2013

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4153		Yes	3/12	3/12	3/12/13	Sales tax ; collections; retroactive effective date for regulations on prepaid sales tax on gasoline; provide for. (Rep. M. Shirkey)
2		044	Yes	3/12	3/12	6/1/13	Criminal procedure ; sex offender registration; placement on the public registry; remove certain exceptions. (Sen. R. Jones)
3		060	Yes	3/12	3/12	3/12/13	Weapons ; licensing; definition of federally licensed firearms dealer; modify. (Sen. M. Green)
4		061	Yes	3/18	3/18	3/18/13 #	Insurance ; health care corporations; merger of health care corporation with a nonprofit mutual disability insurer; allow, and provide procedures, prescribe requirements on rating and certain contract provisions, and establish requirements for a health endowment fund corporation. (Sen. J. Hune)
5		062	Yes	3/18	3/18	3/18/13 #	Insurance ; health; regulations applicable to nonprofit mutual disability insurer; revise to accommodate merger with nonprofit health care corporation and prescribe requirements on rating and certain contract provisions. (Sen. V. Smith)
6		0234	Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; fund-raising plate for ducks unlimited; provide for. (Sen. R. Richardville)
7	4337		Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; distribution of proceeds from sales of ducks unlimited fund-raising plates; provide for. (Rep. D. Zorn)
8		048	Yes	3/26	3/26	3/26/13	Animals ; other; exemption from large carnivore act for certain businesses; expand to exempt businesses that allow patrons to come into contact with bears less than 36 weeks of age or bears that weigh 90 pounds or less and make other general revisions. (Sen. T. Casperson)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0233	Yes	3/27	3/27	3/27/13	Appropriations; supplemental ; various state departments and agencies; provide appropriations. (Sen. D. Booher)
10		0252	Yes	3/27	3/27	3/27/13	Watercraft; marinas ; marina dredging loan origination program; establish. (Sen. J. Brandenburg)
11	4398		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from Great Lakes bottomlands determined to be largely sand; revise permit fee. (Rep. A. Price)
12	4399		Yes	3/27	3/27	3/27/13	Natural resources; Great Lakes ; expedited conditional permit process; allow for emergencies. (Rep. A. Pscholka)
13	4400		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from inland lakes and streams determined to be largely sand; revise fee. (Rep. P. Pettalia)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.